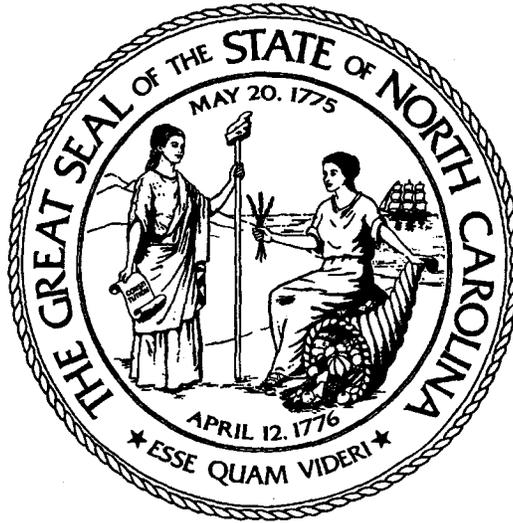


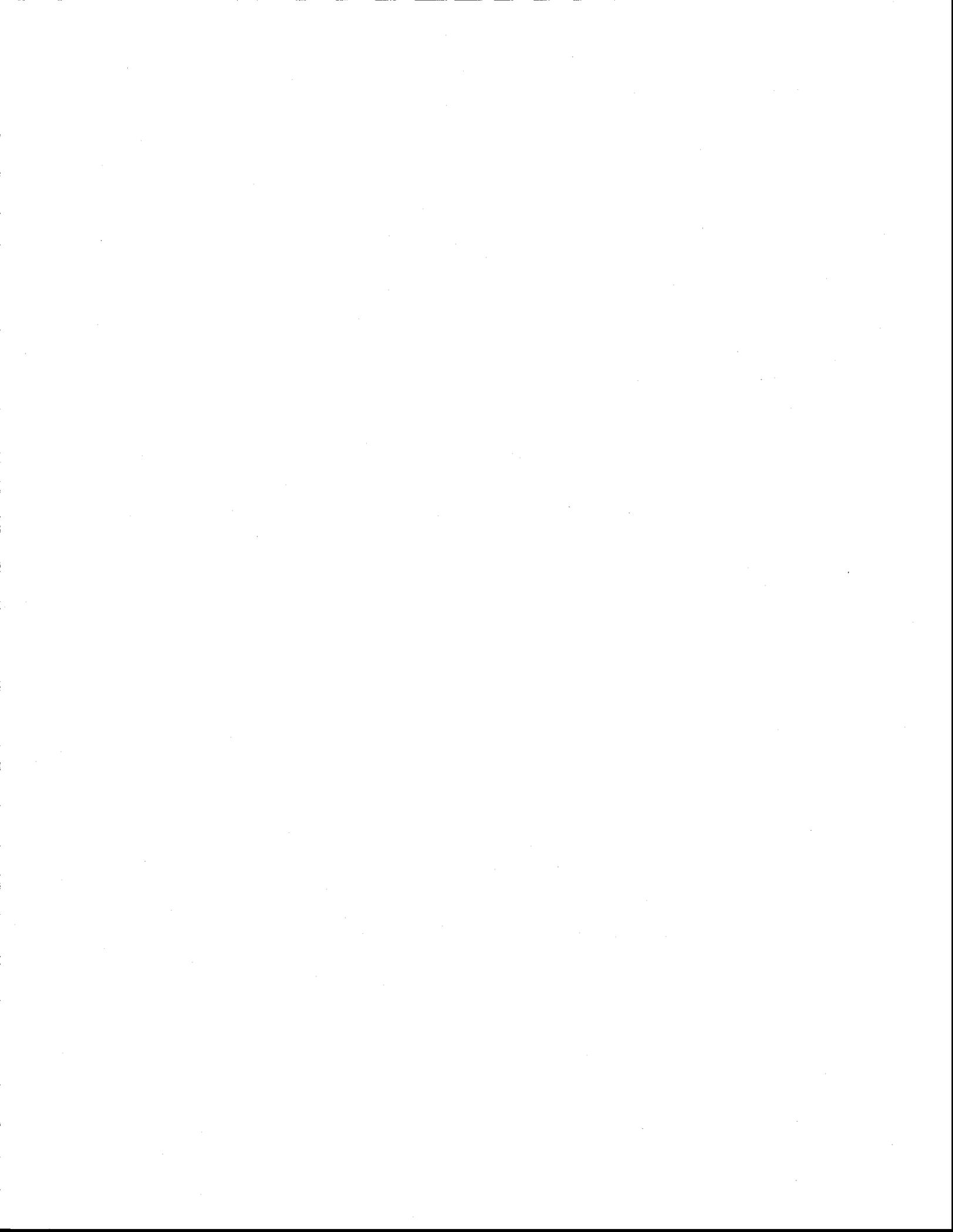
**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA**

Proposed Village of Wesley Chapel

May 20, 1998



REPORT TO THE GENERAL ASSEMBLY
PROPOSED INCORPORATION OF THE
VILLAGE OF WESLEY CHAPEL

May 20, 1998

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consist of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

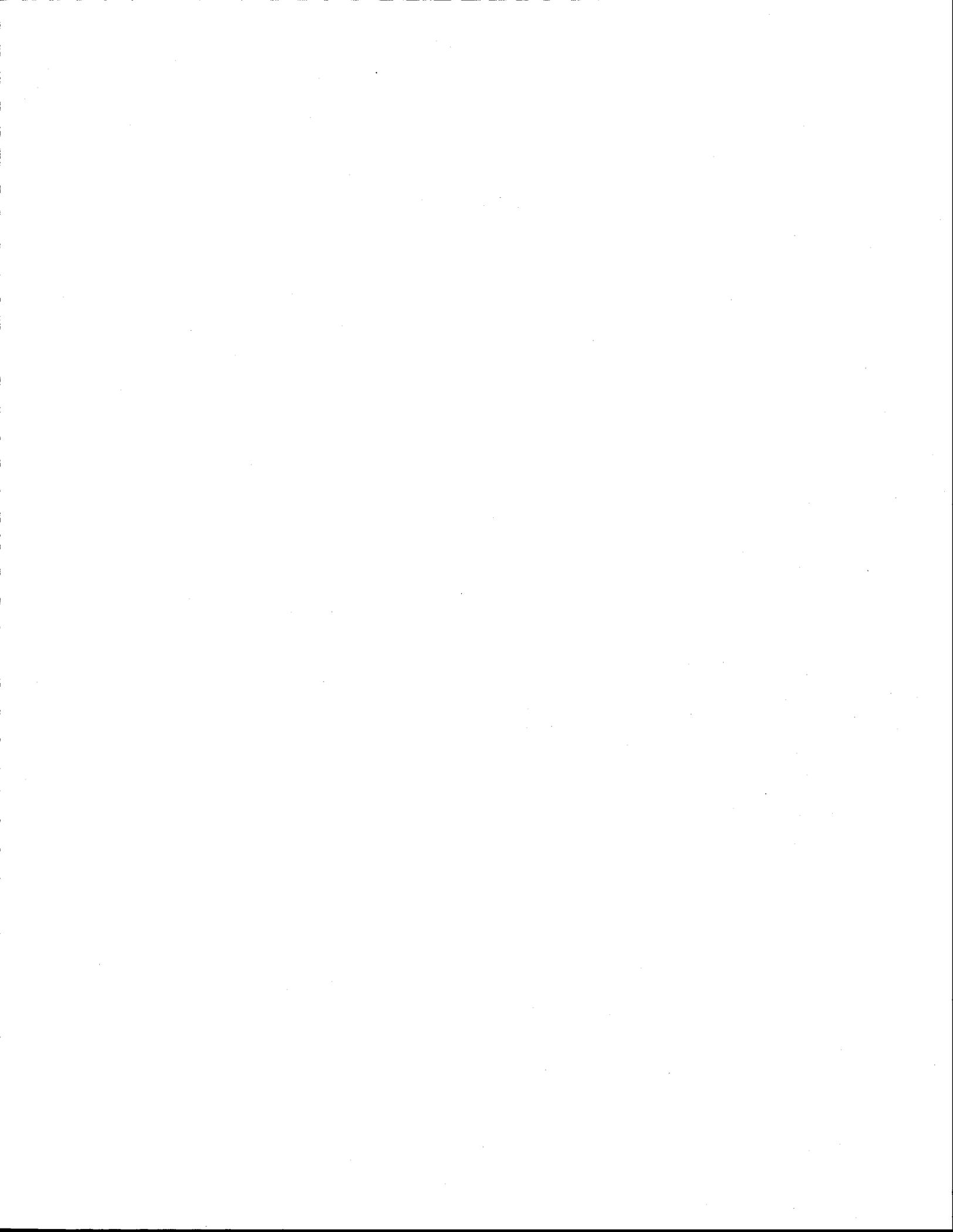
The criteria includes specifics as to community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the current review cycle, the Commission on March 4, 1998 received a petition proposing the incorporation of the Village of Wesley Chapel in Union County. A copy of the petition (except for signature pages) is attached as Appendix C.

Upon receiving the petition, the Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-161. The Division made the evaluation (a copy of which is attached as Appendix D), and based on that evaluation, the Commission on March 17, 1998 found that the preliminary requirements of G.S. 120-163 and G.S. 120-164 had been met.

The Commission then asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-167 through G.S. 120-170. The Division made the evaluation (a copy of which is attached as Appendix E), and found that the statutory requirements had been met.

The Commission finds that the proposed Village of Wesley Chapel meets the standards required by Article 20 of Chapter 160A of the General Statutes, and recommends incorporation of the area as the Village of Wesley Chapel.



APPENDIX A

JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATIONS
1997-1999
Membership

Pro Tem's Appointments

Sen. Wib Gulley
PO Box 3573
Durham, North Carolina 27702
(919) 683-1584

Sen. Fletcher L. Hartsell, Jr.
PO Box 368
Concord, North Carolina 28026
(704) 786-5161

Mr. Ronald R. Kimble, Manager
City of Greenville
PO Box 7207
Greenville, North Carolina 27835
(919) 830-4432

Staff:

Gerry Cohen
Bill Drafting Division
(919) 733-6660

Speaker's Appointments

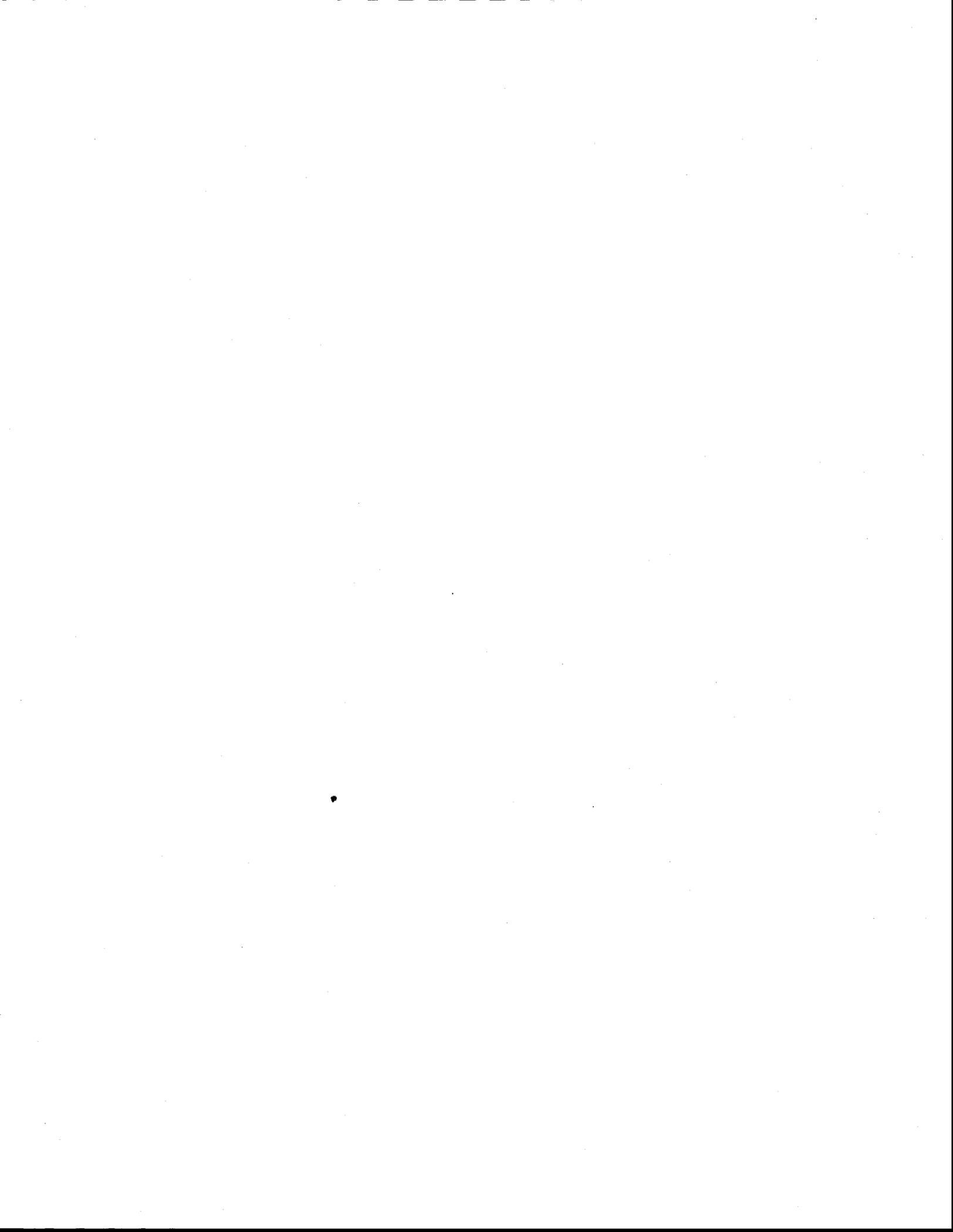
Rep. Cary D. Allred
4307 Sartin Road
Burlington, North Carolina 27217
(336) 229-1980
(336) 226-1091

Rep. J. Samuel Ellis
3513 Auburn-Knightdale Road
Raleigh, North Carolina 27610
(919) 772-6434

Mr. Jerry Ayscue
Vance County Manager
Vance County Courthouse
Young Street
Henderson, North Carolina 27536
(919) 492-2141

Clerk:

Carol Resar
408 LOB
(919) 715-3036



ARTICLE 20.
Joint Legislative Commission on Municipal Incorporations.

Part 1. Organization.

Sec.

- 120-158. (For applicability see note) Creation of Commission.
- 120-159. Terms.
- 120-160. Compensation.
- 120-161. Facilities and staff.
- 120-162. [Reserved.]

Part 2. Procedure for Incorporation Review.

- 120-163. Petition.
- 120-164. Notification.
- 120-165. Initial inquiry.
- 120-166. Additional criteria; nearness to another municipality.
- 120-167. Additional criteria; population.
- 120-168. Additional criteria; development.
- 120-169. Additional criteria; area unincorporated.
- 120-170. Findings as to services.
- 120-171. Procedures if findings made.
- 120-172. Referendum.
- 120-173. Modification of petition.
- 120-174. Deadline for recommendations.
- 120-175 through 120-179. [Reserved.]

PART 1.
ORGANIZATION.

§ 120-158. (For applicability see note) Creation of Commission.

- (a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".
- (b) The Commission shall consist of six members, appointed as follows:
 - (1) Two Senators appointed by the President Pro Tempore of the Senate;
 - (2) Two House members appointed by the Speaker;
 - (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
 - (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

(1985 (Reg. Sess., 1986), c. 1003, s. 1; 1991, c. 739, s. 17.)

Editor's Note. - Session Laws 1991, c. 739, which in s. 17 amended this section, applicable to any appointments for terms beginning on or after January 1, 1993, and to the filling of any unexpired terms where the term began before that date but the vacancy occurs on or after that date, in subdivisions (b)(1) and (b)(3), by inserting "Pro Tempore," in s. 34 provides: "This act applies to any appointments for terms beginning on or after January 1, 1993, and also applies to the filling of any unexpired terms where the term began before that date but the vacancy occurs on or after that date."

§ 120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

(1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989, c. 727, s. 218(82); 1997-443, s. 11A.119(a).)

Editor's Note. - Session Laws 1997-443, s. 1.1, provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 1997.'"

Session Laws 1997-443, s. 35.4, is a severability clause.

Effect of Amendments. - The 1997 amendment, effective August 28, 1997, substituted "Environment and Natural Resources" for "Environment, Health, and Natural Resources."

§ 120-162: Reserved for future codification purposes.

PART 2.

PROCEDURE FOR INCORPORATION REVIEW.

§ 120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

(1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;

(2) All cities within that county or counties; and

(3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

(1) The proposed municipality is entirely on an island that the nearby city is not on;

(2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

(3) The nearby municipality by resolution expresses its approval of the incorporation; or

(4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

(1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

§ 120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-168. Additional criteria; development.

Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for

incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§ 120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

(1985 (Reg. Sess., 1986), c. 1003, s. 1.)

§§ 120-175 through 120-179: Reserved for future codification purposes.

Section 1. General Assembly to provide for local government.

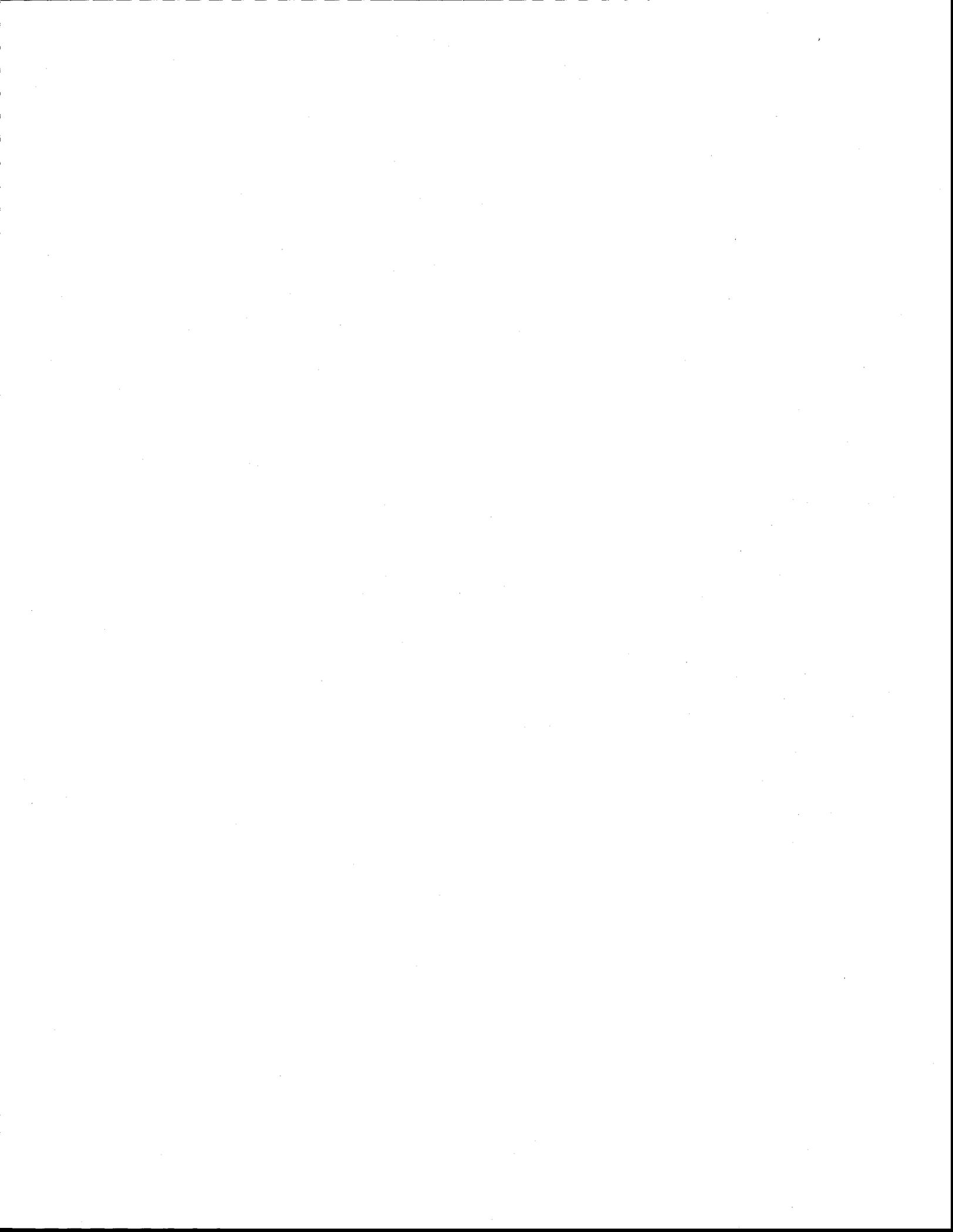
The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.

The General Assembly shall not incorporate as a city or town, nor shall it authorize to be incorporated as a city or town, any territory lying within one mile of the corporate limits of any other city or town having a population of 5,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within three miles of the corporate limits of any other city or town having a population of 10,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within four miles of the corporate limits of any other city or town having a population of 25,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within five miles of the corporate limits of any other city or town having a population of 50,000 or more according to the most recent decennial census of population taken by order of Congress. Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or town by an act adopted by vote of three-fifths of all the members of each house.

(1971, c. 857, s. 1.)

History Note. - The provisions of the first paragraph of this section are similar to those of Art. VIII, § 4, Const. 1868, as amended in 1916.

Effect of Amendments. - The amendment adopted by vote of the people at the general election held Nov. 7, 1972, added the second paragraph.



APPENDIX C

March 4, 1998

Mr. Gerry Cohen
Legislative Services Office
Bill Drafting Division
Suite 401, LOB
300 North Salisbury Street
Raleigh, N. C. 27603-5925

Re: Petition to Incorporate the Village of Wesley Chapel

Dear Mr. Cohen:

Please find enclosed the petition to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel. We request that the General Assembly consider this petition during its short session scheduled for May 1998.

If you have questions over the next ten days or so, please contact Mike Hafey at (704) 283-2010 or Allen Callahan at (704) 283-4514. After March 15, you may reach me at (704) 283-5248.

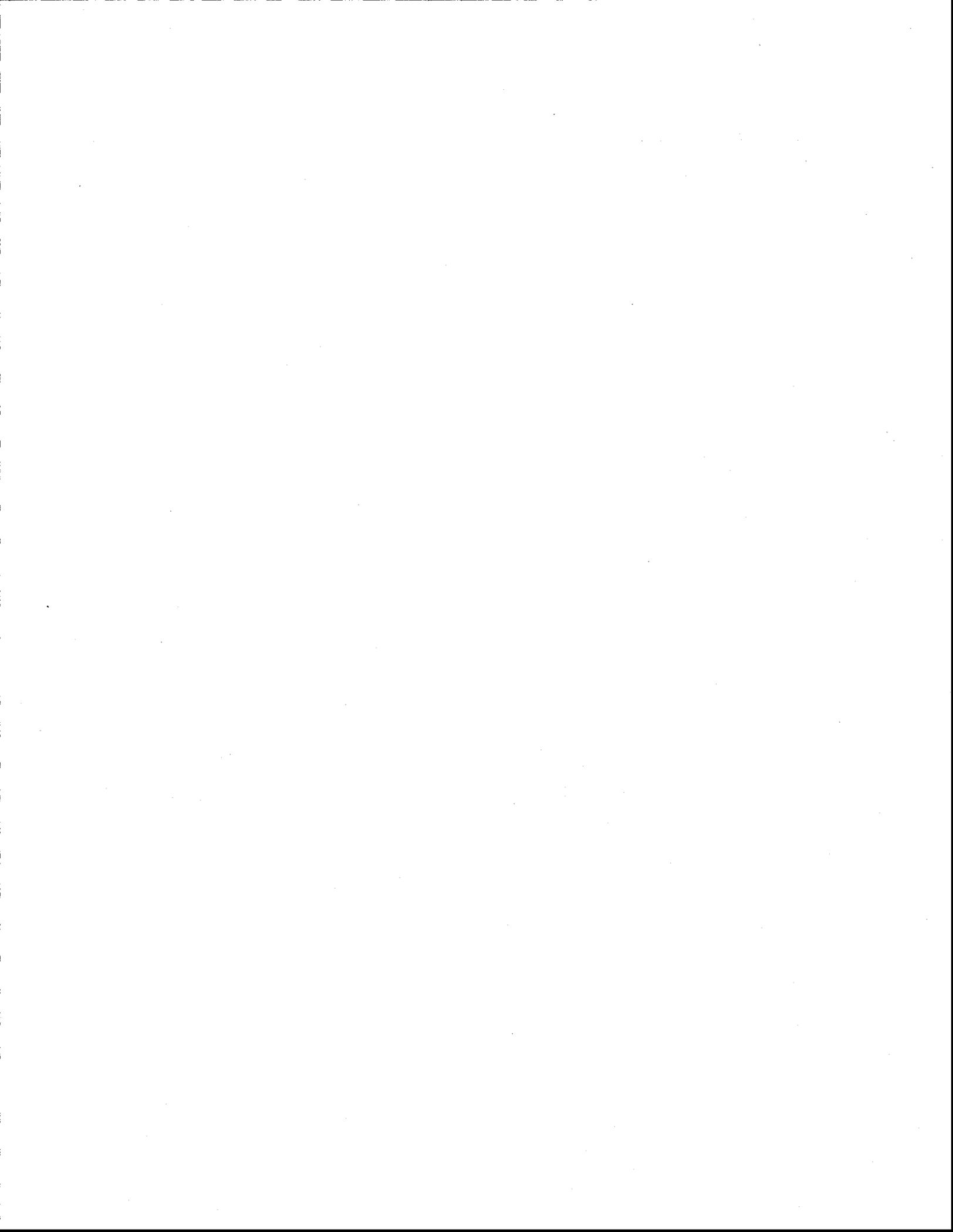
Thank you for your assistance in this matter.

Sincerely,

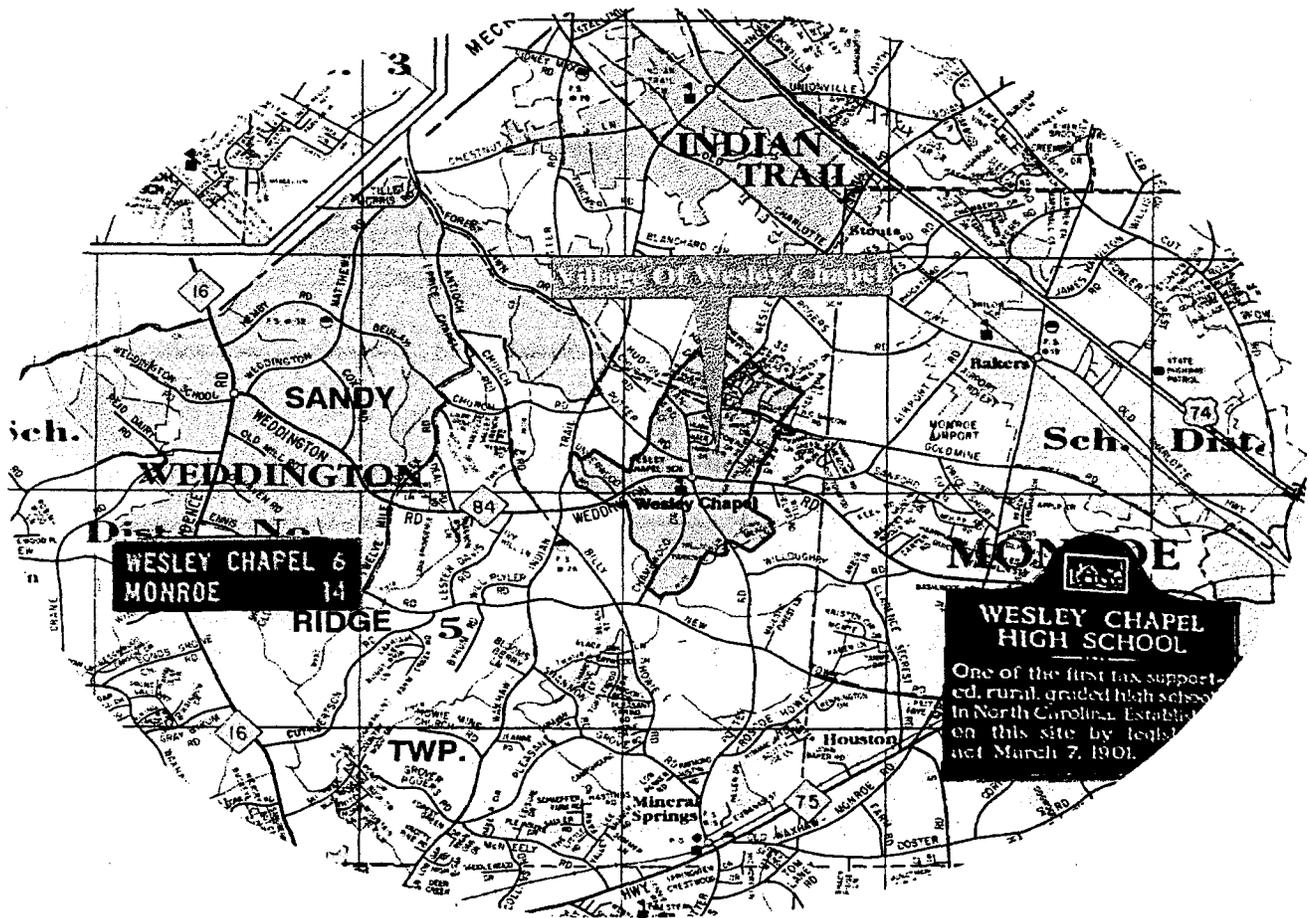
Citizens to Incorporate Wesley Chapel



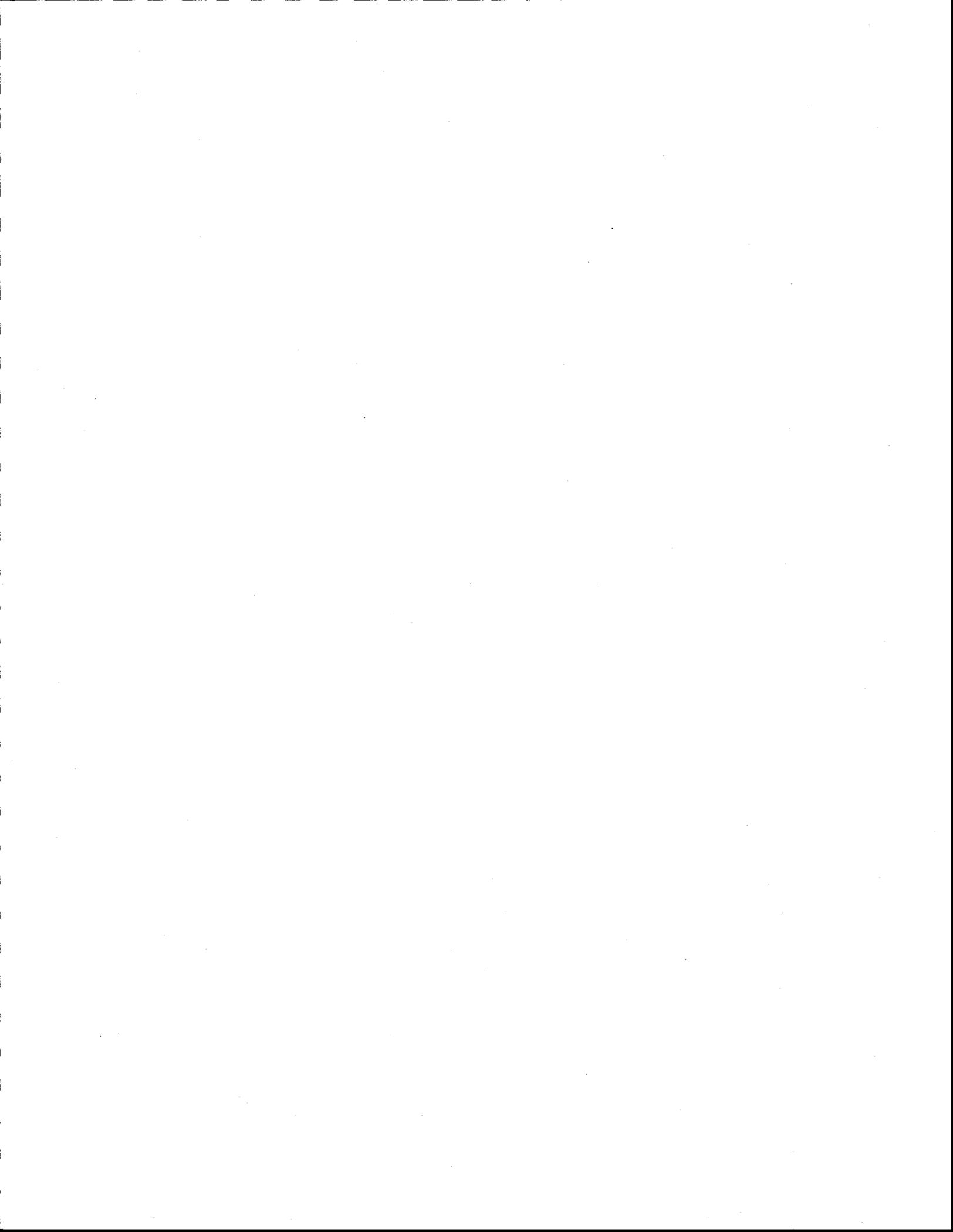
Albert W. Black
Committee Chairman



WESLEY CHAPEL



Making It Official



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I. Rationale and Objectives

II. History of Wesley Chapel - "Wesley Chapel - Making it Official"

III. Maps of Wesley Chapel

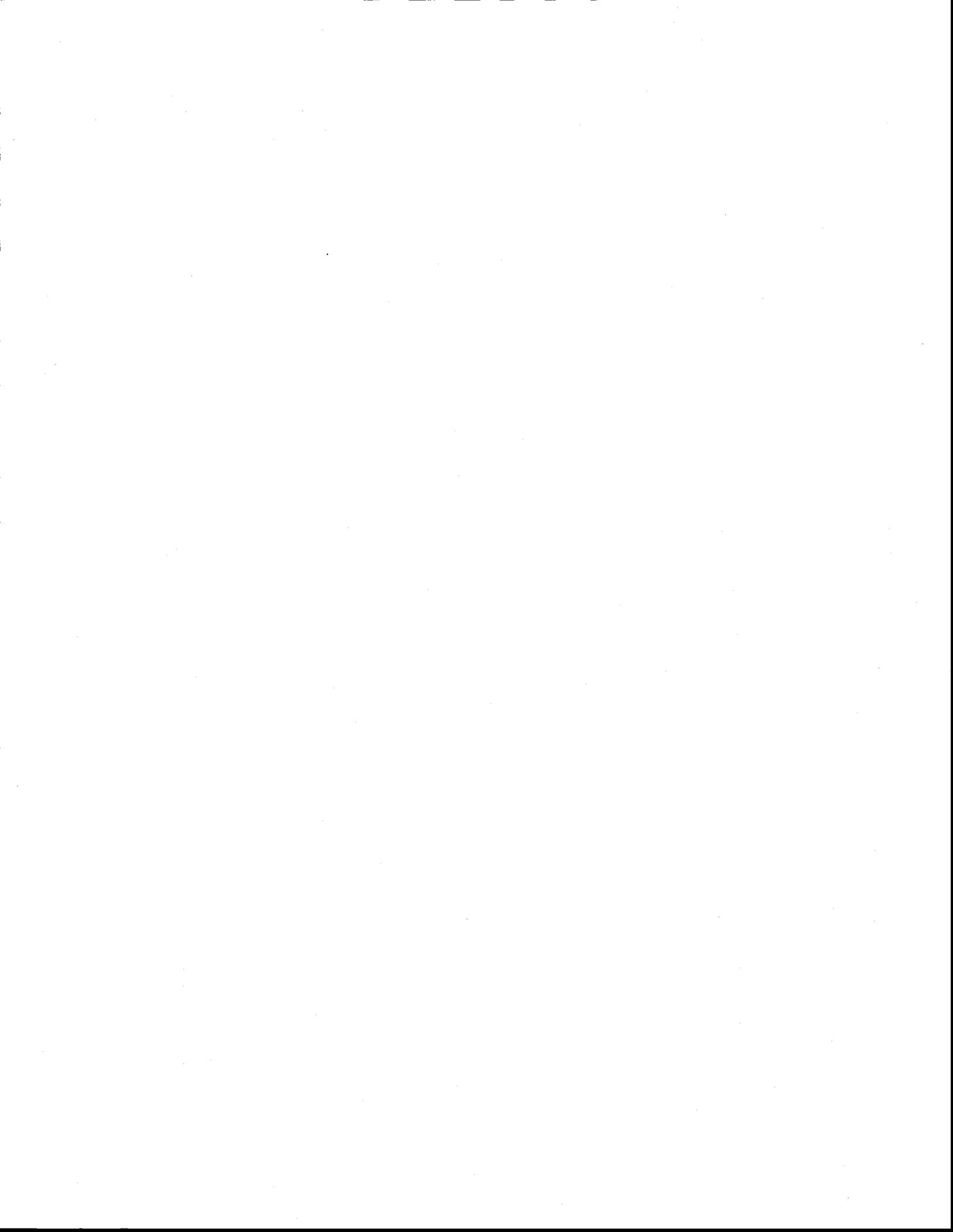
1. Overview of Proposed Village of Wesley Chapel in Relation to Surrounding Area.
2. Corporate Boundries of Proposed Village of Wesley Chapel.

IV. Charter of Village of Wesley Chapel

V. Statement of Village Statistics

VI. Additional Required Information

1. Statement of Services
2. Registered Voters Verification
3. Affidavit of Publication of Notice
4. Notification to Required County Officials



RATIONALE AND OBJECTIVES

The following documents are presented to the distinguished members of our North Carolina Legislature in a spirit of cooperation with that body as well as with the many members of this community who have enthusiastically embraced this endeavor and eagerly await a hoped for, positive response to a truly cooperative community effort. Some factors entering into the decision to seek The Legislature's approval for incorporation of *The Village of Wesley Chapel* include the following:

- It is the community's desire to preserve its identity as a historic entity dating back to the early eighteen hundreds and its proud heritage of service to residents of Wesley Chapel and the surrounding areas.
- A very rapid growth pattern dictates the necessity for a means of assuring the orderliness of, and control over, this growth, in order to maintain the area's currently high "livability" and property value status.
- The dynamic needs of this locale require a means of planning for, and dealing with such circumstances, as they arise.
- Due to the uniqueness of this area, joining with any of the surrounding towns is totally impractical.
- This area's population includes many highly intelligent individuals with significant leadership talents. A number of these individuals have studied this area and its needs in depth and they agree that incorporation of this historic community as an independent municipality is not only appropriate, but, essentially, a necessity.
- Possibly, the more important consideration is that the majority of the population of Wesley Chapel is solidly for making this area officially, a legally incorporated town.

WESLEY CHAPEL - MAKING IT OFFICIAL

As in the past, the community of Wesley Chapel again responds to the needs of its people as well as those of The State of North Carolina and of Union County. This effort is necessary due to unprecedented growth, the need to maintain a proud identity and heritage, and to being in a strategic location in the midst of an area of uncontrolled expansion.

This community has existed as an acknowledged and stable entity since, or before, the early eighteen hundreds. Central to the area over the years, has been The Wesley Chapel Methodist Church and The Wesley Chapel School. Both of these continue in existence today. The Wesley Chapel Church (named for John Wesley) had its beginnings as a brush arbor about 1832, the new church being constructed shortly thereafter. On April 7, 1878, this building was destroyed by fire. A new structure was subsequently completed in May of 1879 and remained in use until 1924 at which time the present church structure was constructed.

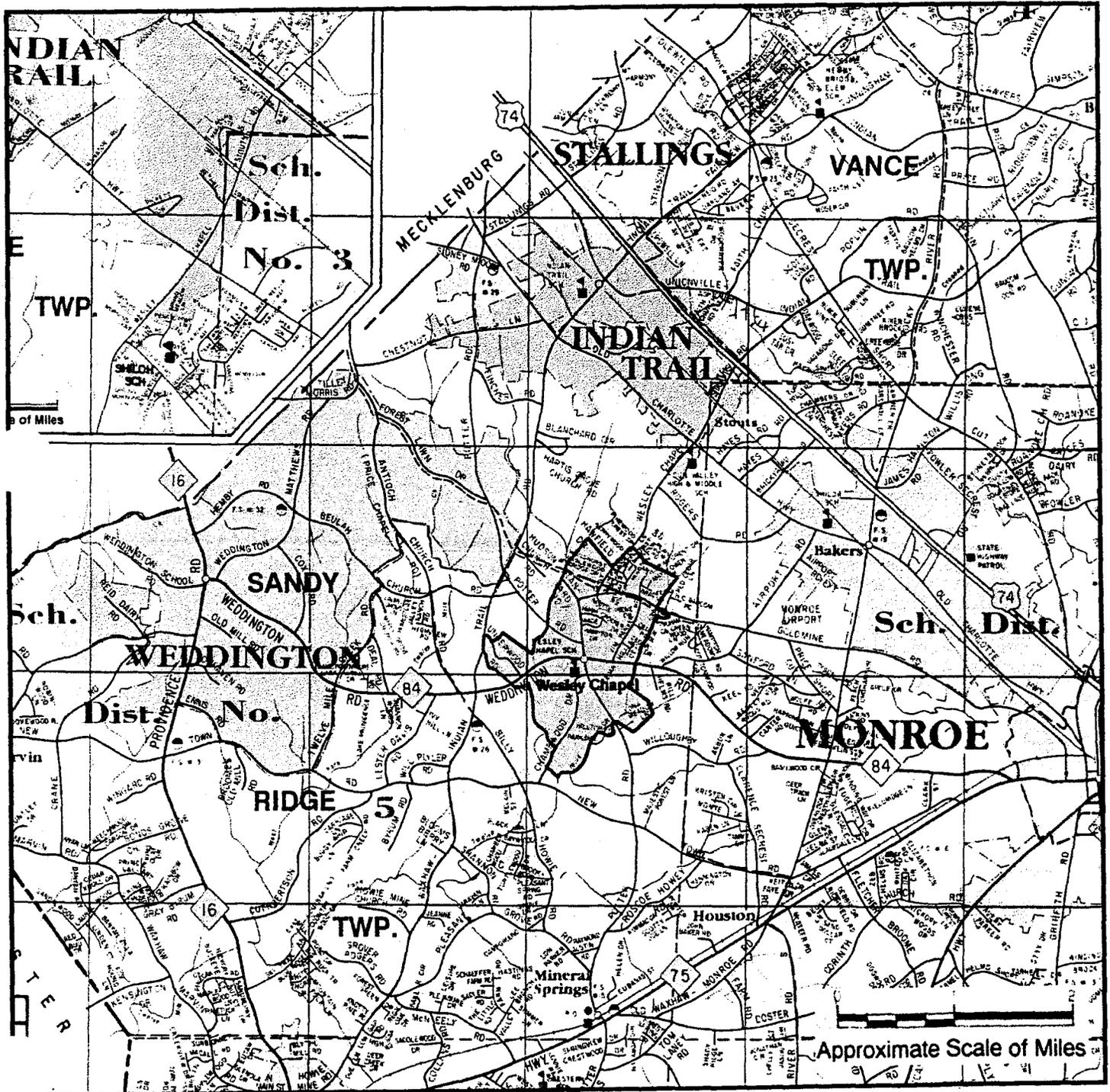
Underlining the Wesley Chapel community's continuing, responsible commitment to education, it is interesting to note that school classes were also held in these church buildings from their inception. In 1901, a bill was introduced in The North Carolina General Assembly establishing a rural high school at Wesley Chapel. By 1904, boarding students were attending at Wesley Chapel what is believed to have been the first public, rural, graded high school in North Carolina.

In 1922 the residents of the Wesley Chapel community voted upon themselves a special tax of 50 cents on each 100 dollars evaluation and authorized the issuance of 20,000 dollars in district bonds for the erection of a new brick school building. This is further evidence that Wesley Chapel has functioned as a semi-self determining entity for many, many years and even though there have been a number of changes in the church, school and their buildings in this 165 year history, the surrounding community has always kept its name - Wesley Chapel.

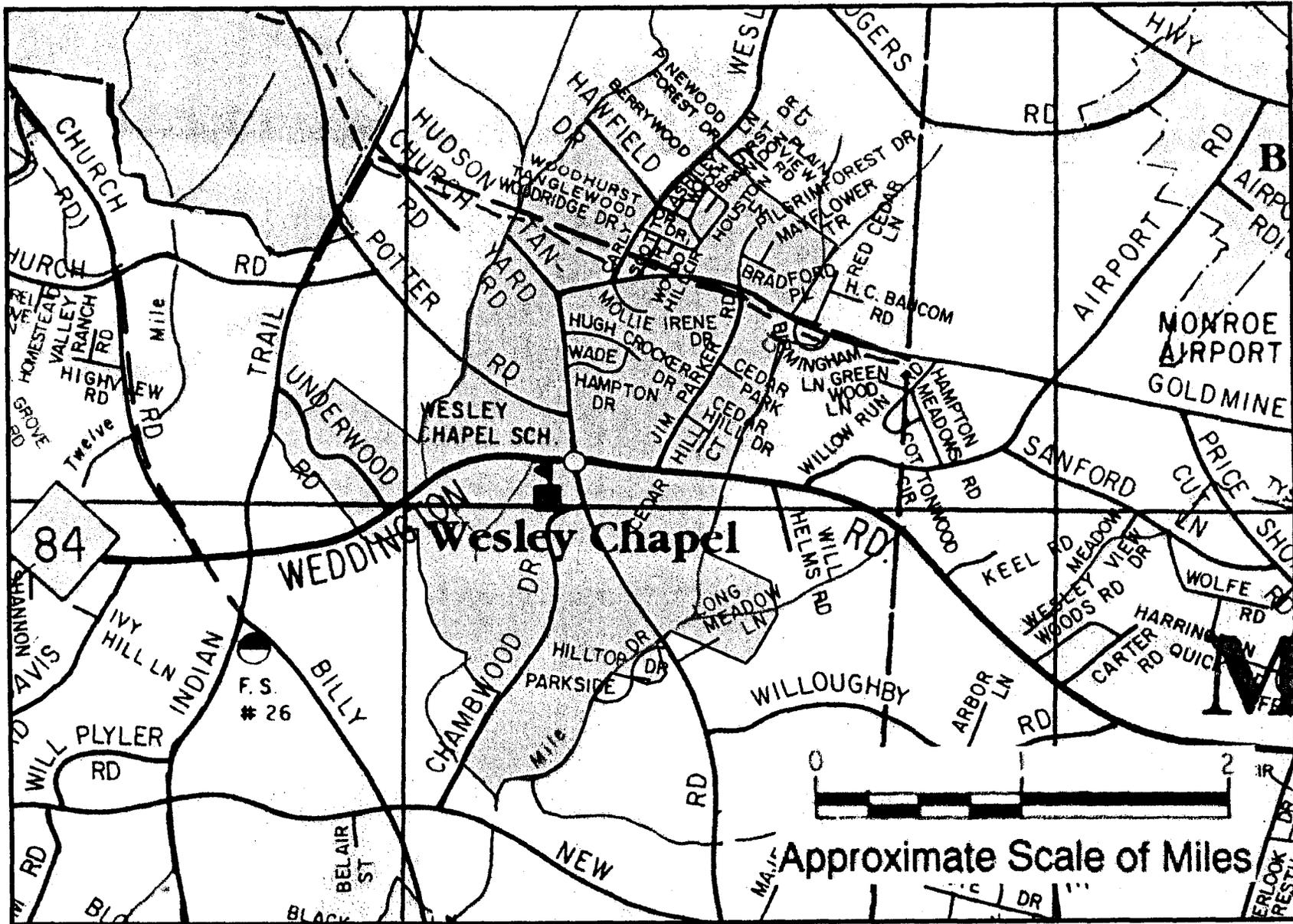
In view of the current growth and needs, it is only imminently logical and rational that the Wesley Chapel community be incorporated as *The Village of Wesley Chapel* in order to maintain its well respected identity and lengthy heritage of service to its residents as well as to be able to deal with, and control today's rapid growth. In effect, make official a status that should have been effected long ago - i.e., legally solidify a community that has been socially and functionally solidified for many years.

As one long time resident expressed it, "Since the early 1800's, six generations or more, many of us have lived blessed lives on these properties we call home. As we teach our children to grow and be productive, we, as adults, want and need some control over what we believe to be right for our families and children for generations to come".

Overview of Proposed Village of Wesley Chapel In Relation To Surrounding Areas



Corporate Boundaries of Proposed Village of Wesley Chapel



CHARTER OF VILLAGE OF WESLEY CHAPEL.

CHAPTER 1.

INCORPORATION AND CORPORATE POWERS.

Section 1-1. Incorporation and Corporate Powers. The inhabitants of the Village of Wesley Chapel, which area is described in Section 2.1 of this Charter, are a body corporate and politic under the name 'Village of Wesley Chapel.' Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

CHAPTER II.

CORPORATE BOUNDARIES.

Sec. 2-1. Village Boundaries. Until modified in accordance with the law, the boundaries of the Village of Wesley Chapel are as follows:

BEGINNING at a point in the centerline of Wesley Chapel-Stouts Road (SR1377) that intersects with the northwestern extension of the northern property boundary line of parcel 001 as shown on tax map 7-096; thence southeasterly with said property boundary line approximately 3,630 feet to the centerline of the East Fork Twelve Mile Creek; thence southerly with said creek to a point being the centerline of Goldmine Road (SR1162); thence with the centerline of Goldmine Road in an easterly direction to the intersection of the extension of the centerline of Birmingham Lane; thence with the centerline of Birmingham Lane in a southerly direction to the northeast corner of the property boundary line of parcel 26-A as shown on tax map 7-096; thence southeastward approximately 300 feet to the northeast corner of the property boundary line of parcel 26 as shown on tax map 7-096; thence southwestward approximately 250 feet to the centerline of Birmingham Lane; thence southeastward along the centerline of Birmingham Lane approximately 800 feet to the extension of the southeast corner property boundary line of parcel 4-F as shown on tax map 7-096; thence southwestward with said property boundary line approximately 1,020 feet and then westward with said property boundary line approximately 1,204 feet to the centerline of East Fork Twelve Mile Creek; thence following the southwesterly direction of said creek approximately 2,517 feet with the intersection of N.C. Highway 84; thence following the southerly direction of said creek approximately 1,650 feet to a point being the northernmost corner property boundary line of parcel 7-A as shown on tax map 6-006; thence easterly approximately 333 feet to a point being the northernmost corner of property boundary line of parcel 9 as shown on tax map 6-006; thence southeasterly then southwesterly and then northwesterly with said parcel until it intersects with the centerline of Potter Road (SR1162); thence southward on said road approximately 247 feet to the intersection of the extension of the centerline of Parkside Drive; thence westward with the centerline of said road approximately 412 feet to a point being the northernmost property boundary corner of parcel 41 as shown on tax map 6-027; thence southeasterly with the eastern property boundary line of said parcel approximately 825 feet to a point being the easternmost property boundary line of parcel 31 as shown on tax map 6-027; thence southwesterly with the southern property boundary line of said parcel approximately 810 feet to a point being the southernmost property boundary line of parcel 28 as shown on tax map 6-027; thence northwesterly with the western property boundary line of said parcel approximately 1,155 feet to a point being the southernmost property boundary line of parcel 11 as shown on tax map 6-027; thence northerly and then southwesterly with said parcel approximately 1,002 feet to a point being the northeastern corner property boundary line of parcel 5-A as shown on tax map 6-027; thence southeasterly with said parcel approximately 736 feet to the intersection with the centerline of the East Fork Twelve Mile Creek; thence southwestward with said creek

approximately 4,785 feet to a point being the centerline of Chambwood Road (SR1336); thence northeasterly with the centerline of Chambwood Road approximately 2,475 feet to a point being the southernmost property boundary line of parcel 42 as shown on tax map 6-027; thence northwesterly with the southern property line of said parcel approximately 1,155 feet to a point being the intersection with the southern boundary line of parcel 4-C as shown on tax map 6-027 ; thence westerly with the southern property line of said parcel approximately 1,072 feet and then northwesterly with the western property line of said parcel approximately 1,815 feet to a point being the northernmost property boundary line of parcel 4-B as shown on tax map 6-027; thence northwesterly with the western property boundary line of parcel 8-B as shown on tax map 6-048 approximately 853 feet to a point being the southeastern property boundary line of parcel 20 as shown on tax map 6-045; thence westerly with said parcel approximately 786 feet and then northwesterly with said parcel approximately 509 feet to a point being the intersection of the extension of said line northwestward and the centerline of N. C. Highway 84; thence easterly with the centerline of N. C. Highway 84 approximately 577 feet to a point being the intersection of said centerline and the southeastward extension of the western property boundary line of parcel 16 as shown on tax map 6-045, thence northwesterly then southeasterly and then northwesterly with said parcel approximately 620 feet to a point being the northwestern most property boundary line of parcel 11 as shown on tax map 6-045; thence northwesterly approximately 1,155 feet to a point being the northeast corner of parcel 7-B as shown on tax map 6-045; thence southerly and then northwesterly with said parcel approximately 1,017 feet to a point being the southwestern most property boundary line of parcel 15-A as shown on tax map 6-045; thence northerly with said parcel approximately 247 feet to a point being the southeastern most property boundary line of parcel 22-B as shown on tax map 6-045; thence westerly and then northerly with said parcel approximately 660 feet to a point being the intersection with the southern property boundary line of parcel 24 as shown on tax map 6-045; thence westerly then northerly with said parcel approximately 577 feet to a point being the intersection with the centerline of Underwood Road (SR1377); thence southeasterly with the centerline of said road approximately 1,139 feet to a point being the extension of the western property boundary line of parcel 16 as shown on tax map 6-045; thence northerly and then southeasterly with said parcel to a point being the intersection of the centerline of Little Twelve Mile Creek; thence northerly with said creek approximately 2,145 feet to a point being the intersection with Potter Road (SR1346); thence northerly with said creek approximately 1,520 feet to a point being a corner in the southwestern property boundary line of parcel 2 as shown on tax map 6-021; thence northeasterly, then northerly, then westerly, and then northerly with said property line to a point being the southern property boundary line of parcel 3 as shown on tax map 6-021; thence westerly with said parcel approximately 330 feet to a point being the corner of the southwest property boundary line of said parcel; thence northeasterly approximately 1,815 feet to a point being the intersection with the southwestward property boundary line of parcel 5 as shown on tax map 7-120; thence northwesterly then northeasterly and then southeasterly with said property line to a point being the northernmost corner property boundary line of parcel 7 as shown on tax map 7-120; thence with the extension of said property boundary line to the centerline of Hawfield Road (SR1354); thence southeasterly with the centerline of said road approximately 2,145 feet to the intersection with the centerline of Wesley Chapel-Stouts Road (SR1377); thence northeasterly with the centerline of said road approximately 1,980 feet to the point and place of BEGINNING.

**CHAPTER III.
GOVERNING BODY.**

Sec. 3-1. Structure of Governing Body; Number of Members. The governing body of Village of Wesley Chapel is the Village Council, which has four members and the Mayor.

Sec. 3-2. Temporary Officers. Until the initial election in 1998 provided for by Section 4-1 of this Charter, Al Black is hereby appointed Mayor, and Allen Callahan, Mike Hafey, Ron Lawrence and Beverly Williams are hereby appointed members of the Village Council, and they shall possess and may exercise the powers granted to the Mayor and Town Council until their successors are elected or appointed and qualify pursuant to this Charter.

Sec. 3-3. Manner of Electing Village Council; Term of Office. The qualified voters of the entire Village shall elect the members of the Village Council. Except as provided by this section, members are elected to a four-year term of office. In 1998, the two candidates receiving the highest numbers of votes are elected to a four-year term, and the two candidates receiving the next highest number of votes are elected to two-year terms. In 2000 and each two years thereafter, two members are elected for a four-year term.

Sec. 3-4. Manner of Electing Mayor; Term of Office. The qualified voters of the entire Village shall elect the Mayor. The Mayor shall be elected in 1998 and each two years thereafter for a two-year term.

**CHAPTER IV.
ELECTIONS.**

Sec. 4-1, Conduct of Village Elections. Village officers shall be elected on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

**CHAPTER V.
ADMINISTRATION.**

Sec. 5-1, Village to Operate Under Mayor-Council Plan. The Village of Wesley Chapel operates under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

Sec. 2. From and after the effective date of this act, the citizens and property in Village of Wesley Chapel shall be subject to municipal taxes levied for the year beginning July 1, 1998, and for that purpose the Village shall obtain from Union County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1998. The Village may adopt a budget ordinance for fiscal year 1998-99 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1998-99, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1998. If this act is ratified before July 1, 1998, the Village may adopt a budget ordinance for fiscal year 1997-98 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical, but no ad valorem taxes may be levied for the 1997-98 fiscal year.

VILLAGE OF WESLEY CHAPEL
STATEMENT OF STATISTICS
FEBRUARY 25, 1998

| | <u>Acres</u> | <u>Percentage</u> |
|--|--|-------------------|
| Total Residential/Commercial/ Industrial/Institutional/ Governmental Acreage: | 1508.155 | 60.5 |
| Total Undeveloped Vacant Acreage: | 985.242 | 39.5 |
| Total Acreage: | 2493.397 | 100 |
| Estimated Population: | 1073 | |
| Population Density: | .43 persons per acre or 275 persons per square mile | |
| Total Number of Dwellings: | 386 | |
| Estimated Assessed Valuation: | \$53.5 Million | |

Note: Assessed Valuation based on information dated 07/30/97 from the Union County Tax Office.

VILLAGE OF WESLEY CHAPEL STATEMENT OF SERVICES

Since so many of the essential core services are provided through the County system, Wesley Chapel, at least initially, until a taxing/revenue base is stabilized, plans to limit additional services. This is clearly the desire of a majority of the residents of this community. Soon after incorporation, attention will be devoted of establishing a Planning Board to begin the process of developing our own zoning ordinances. This is in response to citizen concerns over the pace of development in the area with its effects on traffic, infrastructure demands, and other quality-of-life issues. Other service areas which may be addressed in response to citizen interest include street lighting at key intersections, and certain recreational services issues.

UNION COUNTY BOARD OF ELECTIONS

P.O. BOX 1106
MONROE, NORTH CAROLINA 28111

HARRY SHERWOOD
CHAIRMAN
BETTY G. COUICK
SECRETARY
LOIS A. BREWER
MEMBER



OLD UNION COUNTY COURT HOUSE
2ND FLOOR, SUITE 2H2
TELEPHONE (704) 283-3809
SHIRLEY SECREST TINSLEY
DIRECTOR

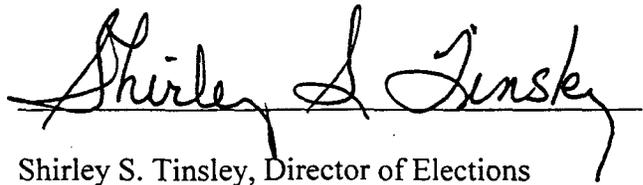
February 23, 1998

Legislative Services Office
Bill Drafting Division
Suite 401, LOB
300 North Salisbury Street
Raleigh, NC 27603-5925

The Union County Board of Elections hereby certifies that there are approximately Seven Hundred Ninety-Four (794) registered voters in the proposed incorporation of the Village of Wesley Chapel.

This the twenty-third day of February, 1998.

UNION COUNTY BOARD OF ELECTIONS


Shirley S. Tinsley, Director of Elections

UNION COUNTY BOARD OF ELECTIONS

P.O. BOX 1106
MONROE, NORTH CAROLINA 28111

HARRY SHERWOOD
CHAIRMAN
BETTY G. COUICK
SECRETARY
LOIS A. BREWER
MEMBER



OLD UNION COUNTY COURT HOUSE
2ND FLOOR, SUITE 2H2
TELEPHONE (704) 283-3809

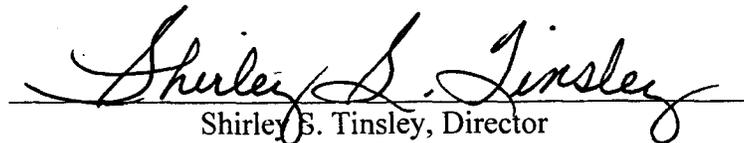
SHIRLEY SECREST TINSLEY
DIRECTOR

STATE OF NORTH CAROLINA

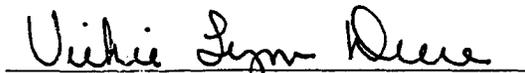
COUNTY OF UNION

Before me, the undersigned, personally appeared Shirley S. Tinsley, who, being by me first duly sworn, on oath, deposes and says:

The Affiant is Director of Elections for Union County, N.C. and that the Affiant has checked the names listed on the petition received on February 19, 1998 of petitioners against the registration books of Union County, North Carolina and 411 names have been found by the Affiant to be registered voters in said county as of February 23, 1998; that the Affiant has placed a "red check" on the petition by the names of the persons who is a registered voter in said county.


Shirley S. Tinsley, Director

Sworn to and subscribed
before me this 23rd day of
February 1998.


Vickie Lynn Reese
Notary Public

My commission expires: Oct. 12, 2000

UNION COUNTY BOARD OF ELECTIONS

P.O. BOX 1106

MONROE, NORTH CAROLINA 28111

HARRY SHERWOOD
CHAIRMAN
BETTY G. COUICK
SECRETARY
LOIS A. BREWER
MEMBER



OLD UNION COUNTY COURT HOUSE
2ND FLOOR, SUITE 2H2
TELEPHONE (704) 283-3809

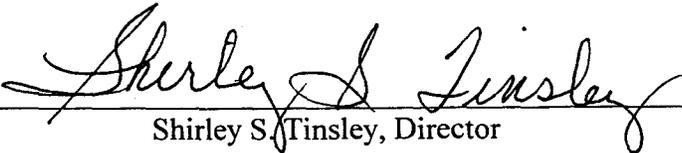
SHIRLEY SECREST TINSLEY
DIRECTOR

STATE OF NORTH CAROLINA

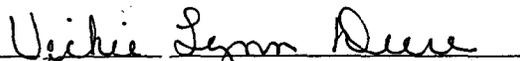
COUNTY OF UNION

Before me, the undersigned, personally appeared Shirley S. Tinsley, who, being by me first duly sworn, on oath, deposes and says:

The Affiant is Director of Elections for Union County, N.C. and that the Affiant has checked the names listed on the petition received on February 25, 1998 of petitioners against the registration books of Union County, North Carolina and 94 names have been found by the Affiant to be registered voters in said county as of February 25, 1998; that the Affiant has placed a "red check" on the petition by the names of the persons who is a registered voter in said county.


Shirley S. Tinsley, Director

Sworn to and subscribed
before me this 25th day of
February 1998.


Notary Public

My commission expires: October 12, 2000

NORTH CAROLINA,
UNION COUNTY.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths,

personally appeared **Marvin Enderle**

who being first duly sworn, deposes and says: that he is

Publisher engaged in the publication of a newspaper known as The Enquirer-Journal, published, issued, and entered as second class mail in the City of Monroe in said County and State; that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Enquirer-Journal on the following dates:

..... Feb . 20, . 25 . , . 27 . . . 1998

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 27 day of Feb 19 98

..... *Marvin Enderle*

Sworn to and subscribed before me, this 27. day of Feb . 19 98

..... *Bob P. Clontz* Notary Public
May 11, 1998

My Commission expires:

Wesley Chapel - Incorporation

Inches: 1
MONROE, N.C.

Feb 27 19 98

M

Albert W. Black

ACCOUNT #: 01101828

309 Hugh Crocker Dr.

COST: \$ 15.70

Matthews, NC 28105

—IN ACCOUNT WITH—

The Enquirer-Journal

P.O. Box 5040
500 W. Jefferson St.
Monroe, N.C. 28111-5040

Important Legal Document, Please Retain

309 Hugh Crocker Drive
Matthews, N. C. 28105

Good Neighbors of Wesley Chapel

February 20, 1998

Mr. Leroy Pittman, Chairman
Union County Board of Commissioners
P. O. Box 218
Monroe, N. C. 28111-0218

Dear Mr. Pittman:

This letter is to inform the Union County Board of Commissioners that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

309 Hugh Crocker Drive
Matthews, N. C. 28105

.....

Good Neighbors of Wesley Chapel

February 19, 1998

The Honorable Larry Helms
Mayor of Indian Trail
P. O. Box 172
Indian Trail, N. C. 28079

Dear Mayor Helms:

This letter is to inform the Town of Indian Trail that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

.....

309 Hugh Crocker Drive
Matthews, N. C. 28105

Good Neighbors of Wesley Chapel

February 19, 1998

The Honorable Jeffrey Browning
Mayor of Lake Park
P. O. Box 219
Indian Trail, N. C. 28079

Dear Mayor Browning:

This letter is to inform the Village of Lake Park that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

309 Hugh Crocker Drive
Matthews, N. C. 28105

.....

Good Neighbors of Wesley Chapel

February 18, 1998

The Honorable Virginia Morgan
Mayor of Marshville
201 North Elm Street
Marshville, N. C. 28103

Dear Mayor Morgan:

This letter is to inform the Town of Marshville that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

.....

309 Hugh Crocker Drive
Matthews, N. C. 28105

Good Neighbors of Wesley Chapel

February 18, 1998

The Honorable William Baughman
Mayor of Marvin
524 Pacer Lane
Waxhaw, N. C. 28173

Dear Mayor Baughman:

This letter is to inform the Village of Marvin that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

309 Hugh Crocker Drive
Matthews, N. C. 28105

.....

Good Neighbors of Wesley Chapel

February 18, 1998

The Honorable Judy Davis
Mayor of Monroe
P. O. Box 3157
Monroe, N. C. 28111

Dear Mayor Davis:

This letter is to inform the City of Monroe that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: City Clerk

.....

309 Hugh Crocker Drive
Matthews, N. C. 28105

Good Neighbors of Wesley Chapel

February 18, 1998

The Honorable Lucy Drake
Mayor of Stallings
P. O. Box 4000
Stallings, N. C. 28106-4000

Dear Mayor Drake:

This letter is to inform the Town of Stallings that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

.....

Good Neighbors of Wesley Chapel

February 18, 1998

The Honorable Jack Hemby
Mayor of Waxhaw
Waxhaw City Hall
317 North Broome Street
Waxhaw, N. C. 28173

Dear Mayor Hemby:

This letter is to inform the Town of Waxhaw that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

.....

309 Hugh Crocker Drive
Matthews, N. C. 28105

.....

Good Neighbors of Wesley Chapel

February 18, 1998

The Honorable Ed Howie
Mayor of Weddington
P. O. Box 37
Weddington, N. C. 28173

Dear Mayor Howie:

This letter is to inform the Town of Weddington that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

.....

309 Hugh Crocker Drive
Matthews, N. C. 28105

Good Neighbors of Wesley Chapel

February 18, 1998

The Honorable Tony Maye
Mayor of Wingate
3917 U.S. Highway 74 E
Wingate, N. C. 28174

Dear Mayor Maye:

This letter is to inform the Town of Wingate that a petition will be presented to the Joint Legislative Commission on Municipal Incorporations for the incorporation of the Village of Wesley Chapel by the North Carolina General Assembly.

Sincerely,



Albert W. Black
Good Neighbors of Wesley Chapel

cc: Town Clerk

- PETITION - ^{hundred} _{petition}
 pages]

We the undersigned residents of, or owners of property within the highlighted area of the map printed on the back of this petition request the incorporation of the Village of Wesley Chapel.

Full Name (print): JAMES D. HILL, JR.

Signature: James D. Hill, Jr. Are you a property owner? yes

Residence address: 2709 Wesley Chapel Rd Number of persons in household: 3

Are you registered to vote in Union County? yes Telephone number: 289-1624

Full Name (print): Jeanette P. Hill

Signature: Jeanette P. Hill Are you a property owner? Yes

Residence address: 2709 Wesley Chapel Rd

Are you registered to vote in Union County? Yes Telephone number: 289-1624

Full Name (print): _____

Signature: _____ Are you a property owner? _____

Residence address: _____

Are you registered to vote in Union County? _____ Telephone number: _____

Full Name (print): _____

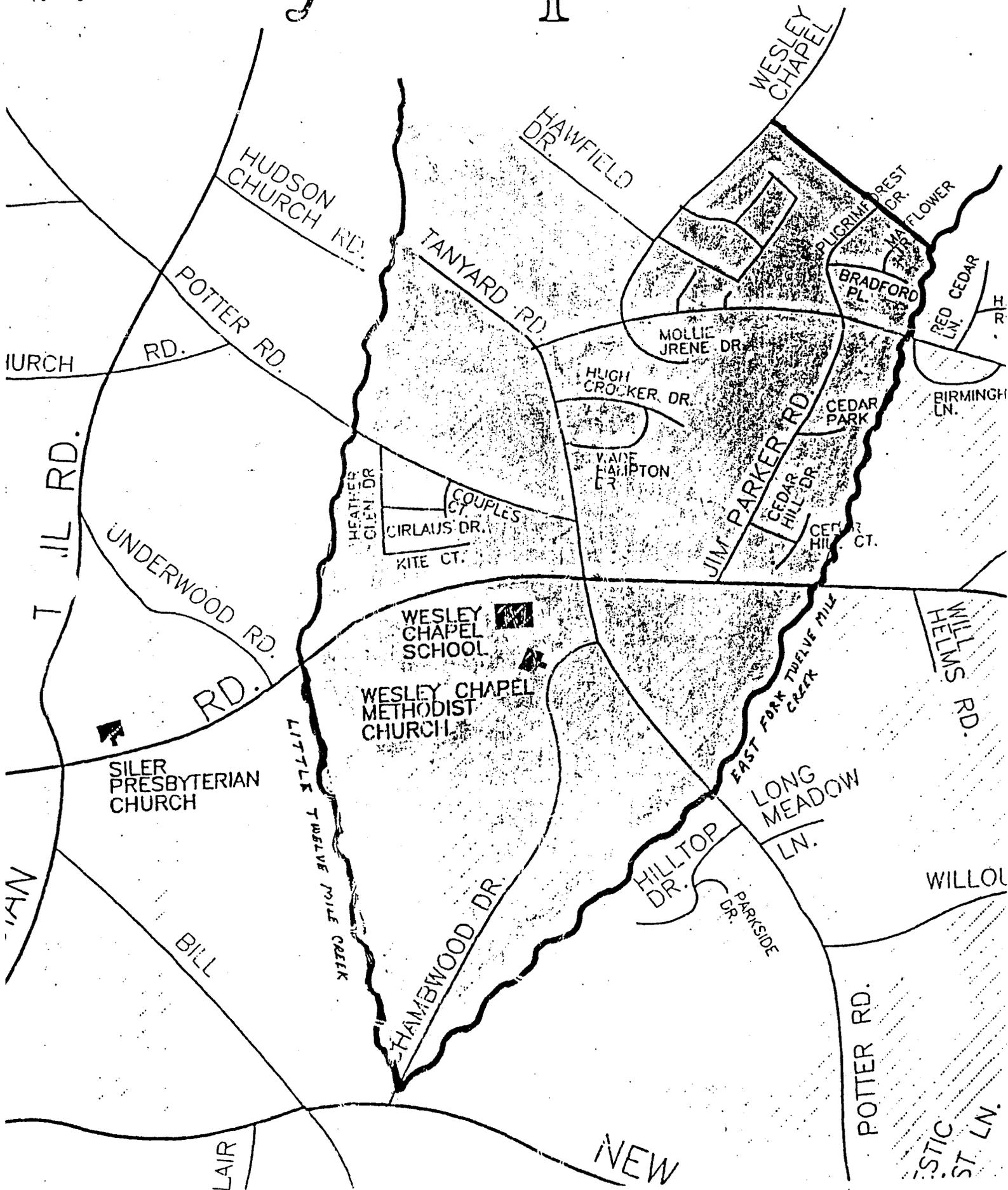
Signature: _____ Are you a property owner? _____

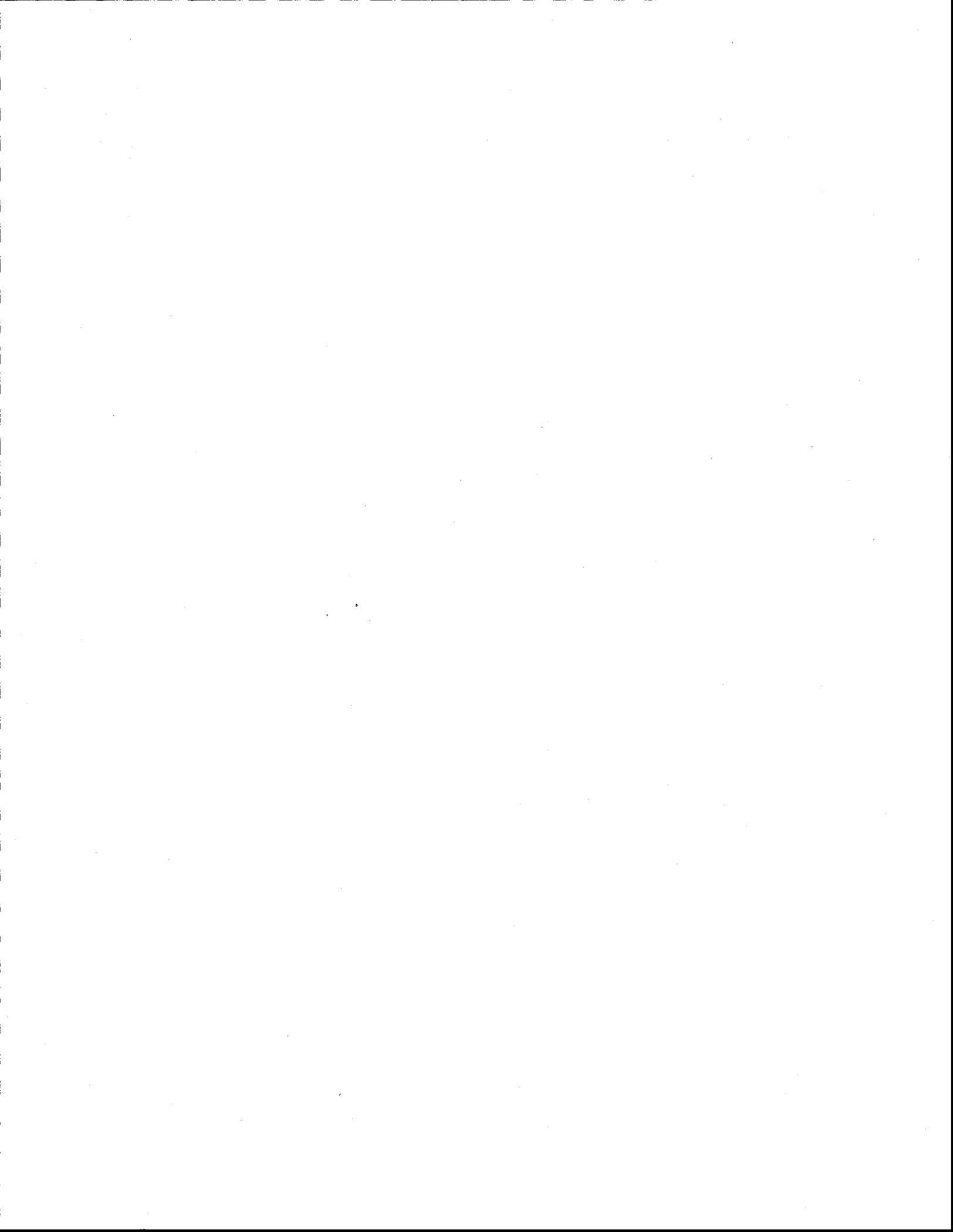
Residence address: _____

Are you registered to vote in Union County? _____ Telephone number: _____

Wesley Chapel

(PROPOSED)



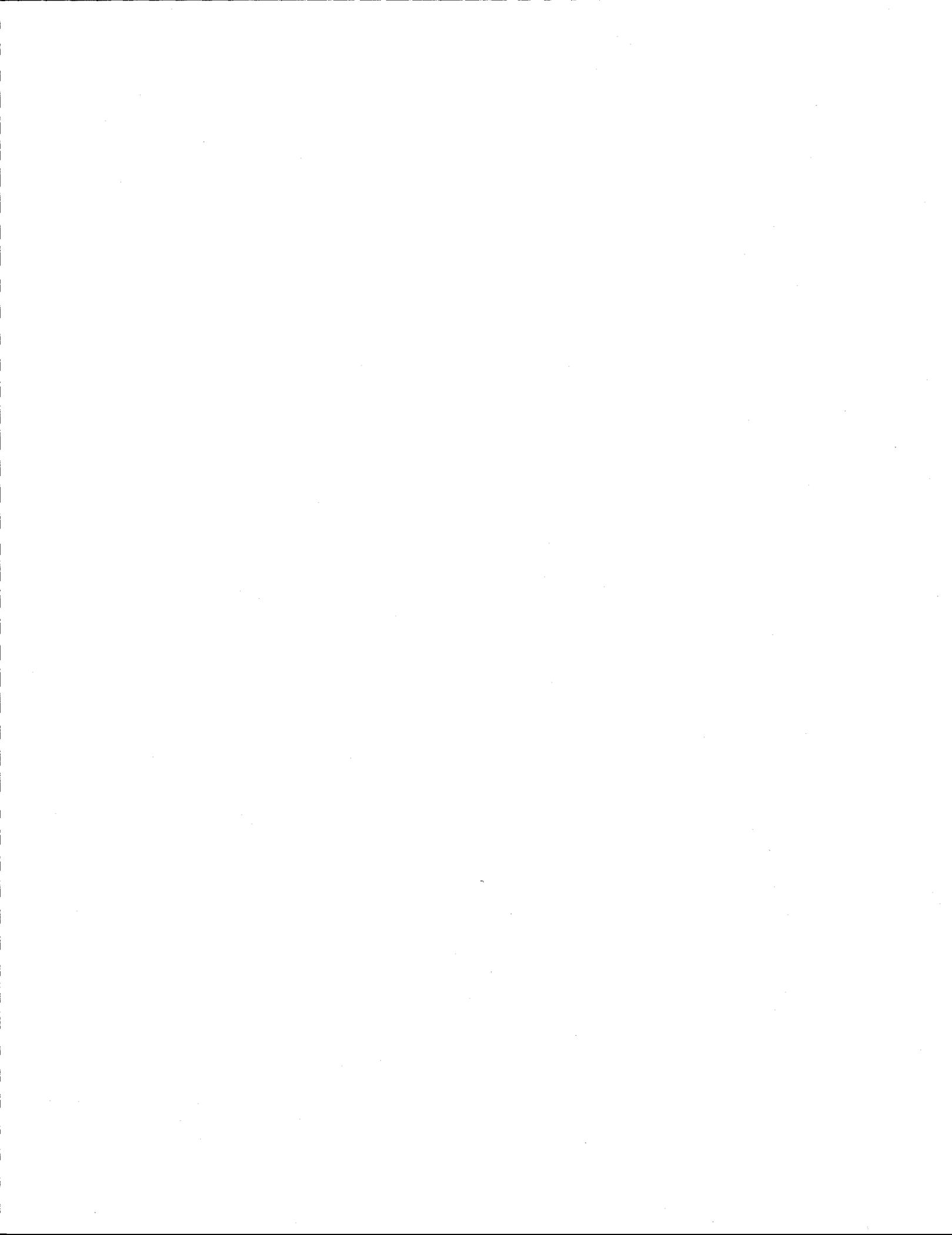


APPENDIX D

**Assessment of Petition
by
Wesley Chapel
for
Incorporation**

Relative to NC G.S. 120-166.

**North Carolina Department of Commerce
Division of Community Assistance**



Division of Community Assistance staff has reviewed the petition for incorporation from Wesley Chapel as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of Wesley Chapel' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

| Critical Distance | Population of Neighboring Municipality |
|--------------------------|---|
| 1 mile | 5,000 to 9,999 |
| 3 miles | 10,000 to 24,999 |
| 4 miles | 25,000 to 49,000 |
| 5 miles | 50,000 and over |

According to the 1990 Census, Monroe (1990 Census population 16,127) was the only municipality with a population between 5,000 and 9,999 that was within one (1) mile of the proposed boundaries for Wesley Chapel. Monroe's closest point is 0.59 miles from Wesley Chapel. There are no nearby municipalities with a population between 5,000 and 9,999 (according to the most recent annual estimate of the Office of State Budget and Management) that have been incorporated since the 1990 Census.

Monroe is also the only municipality with a population between 10,000 and 24,999 that is within three (3) miles of the proposed new town. There are no municipalities with population between 25,000 and 49,999 that are within four (4) miles of the proposed new town's boundary. Nor is there any municipality with a population of 50,000 or more that is within the five (5) mile distance of the proposed Town of Wesley Chapel.

Wesley Chapel is not entirely on an island so subsection (b)(1) does not apply. Nor are there any major rivers or natural barriers separating Wesley Chapel from the City of Monroe noted above. Therefore, subsection (b)(2) does not apply. Finally, the petition indicated no evidence that subsection (b)(4) applies (a petition for annexation to nearby city that was not approved).

According to NC G.S. 120-166., in order for the Commission to make a positive recommendation on the petition, the City of Monroe would have to express approval of the incorporation by resolution.

Information sources:

The foregoing assessment was based on the most recently updated DOT GIS data that was provided by NC CGIA. A buffer analysis (an ArcView GIS utility) was performed on the proposed boundary that was presented on the map attached to the petition. Furthermore, current municipal boundary maps for Monroe (revised February/1998) and Weddington (revised April/1990 and sent to DCA on March 20, 1998) were used to enhance confidence relative to Monroe and Weddington's proximity to Wesley Chapel. The 1990 population values were retrieved from the US Census Bureau website (<http://www.census.gov/cgi-bin/gazetteer>). The 1996 population values were retrieved from the Office of State Planning's website (<http://www.ospl.state.nc.us/demog/muntot96.html>).

Note: 1

Please note that Indian Trail's 1990 Census population was 1,942 and it is within one (1) mile of Wesley Chapel (nearest point is 0.44 miles). Weddington (1990 Census population 3,803) is also within one (1) mile (nearest point 0.63 miles). However, neither municipality met the 5,000 population threshold contained in G.S. 120-166.(a). That is why their approval was not considered above. However, the 1996 population estimate from the Office of State Budget and Management for Indian Trail is 6,399 and for Weddington is 5,403. If these population estimates were applicable, a favorable recommendation would also be subject to resolutions expressing approval of the incorporation from Indian Trail and Weddington. This would likely be necessary after the next decennial census (2000).

Note: 2

§ 120-166. Additional criteria; nearness to another municipality.

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
- (3) The nearby municipality by resolution expresses its approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.(1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

309 Hugh Crocker Drive
Matthews, N. C. 28105

CITIZENS FOR THE INCORPORATION OF WESLEY CHAPEL

March 23, 1998

Mr. Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 North Salisbury Street
Raleigh, N. C. 27603-5925

Dear Gerry:

Enclosed please find a letter of resolution from the Monroe City Council that endorses the incorporation of the Village of Wesley Chapel. Please include this resolution in the Wesley Chapel file for the Joint Legislative Commission on Municipal Incorporations.

If you have any questions, please call me at (704) 283-5248.

Sincerely,



Albert W. Black



CITY OF MONROE

P.O. BOX 69 • MONROE, NORTH CAROLINA 28111-0069
FAX 704-283-9098

March 19, 1998

Mr. Albert W. Black
Good Neighbors of Wesley Chapel
309 Hugh Crocker Drive
Matthews, NC 28105

Dear Mr. Black:

Enclosed please find Resolution R-1998-21 that the Monroe City Council approved at its March 17, 1998 City Council Meeting. This Resolution expresses the City of Monroe's approval of the incorporation of Wesley Chapel.

Please let us know if we can help you further. Thank you.

Sincerely,

Amy McCollum
Administrative Assistant

Enclosure
03199802

RESOLUTION
R-1998-21

THAT WHEREAS, the Village of Wesley Chapel has submitted to the State a petition for incorporation; and

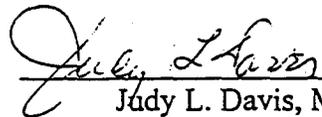
WHEREAS, the City of Monroe is located within the limits of proximity to Wesley Chapel as to require its approval of said incorporation as required by NCGS 120-166; and,

WHEREAS, the City of Monroe wishes to express its approval of said incorporation.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Monroe expresses its approval of the incorporation of Wesley Chapel.

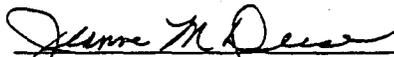
Adopted this 17th day of March, 1998.



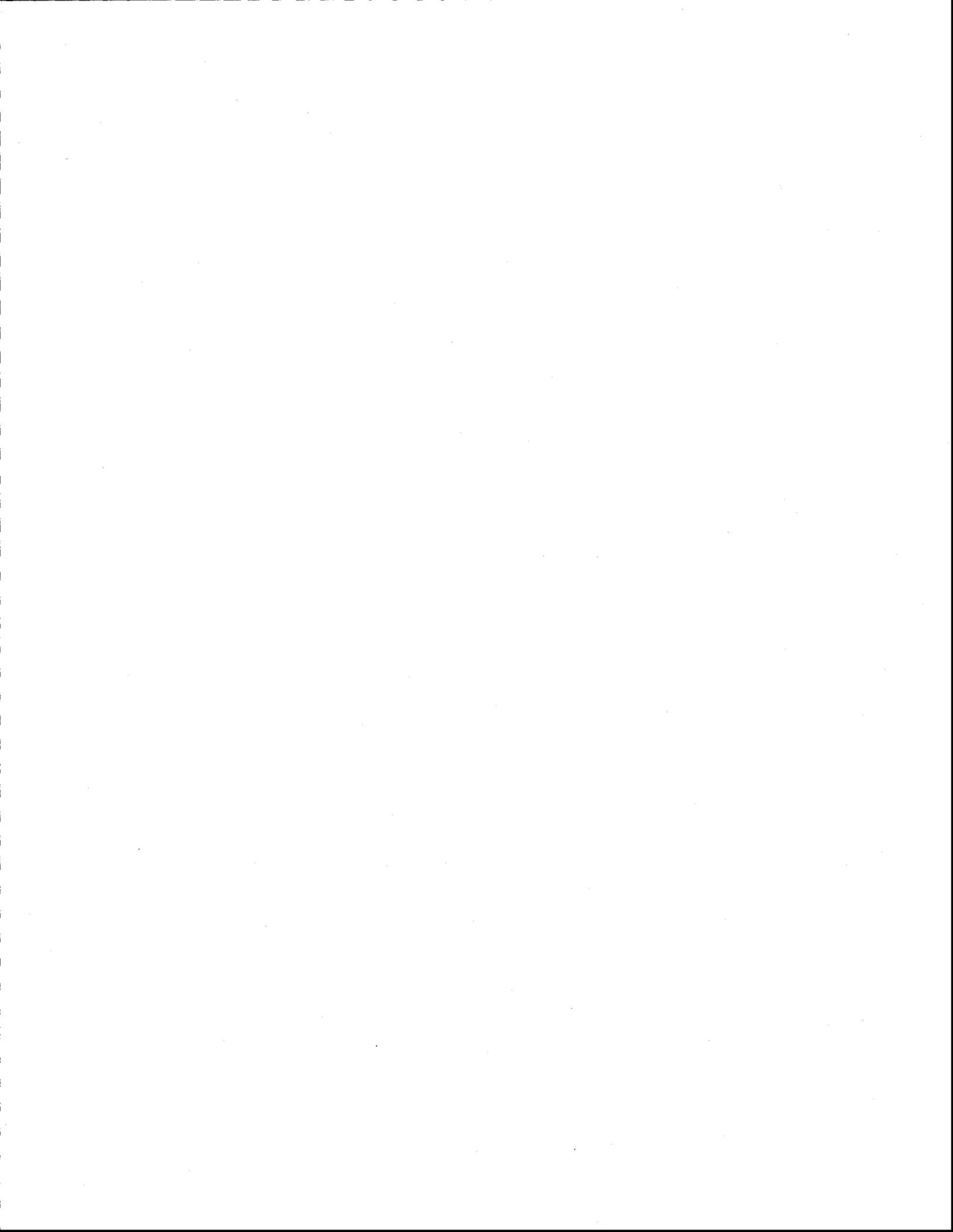


Judy L. Davis, Mayor

Attest:



Jeanne M. Deese, City Clerk

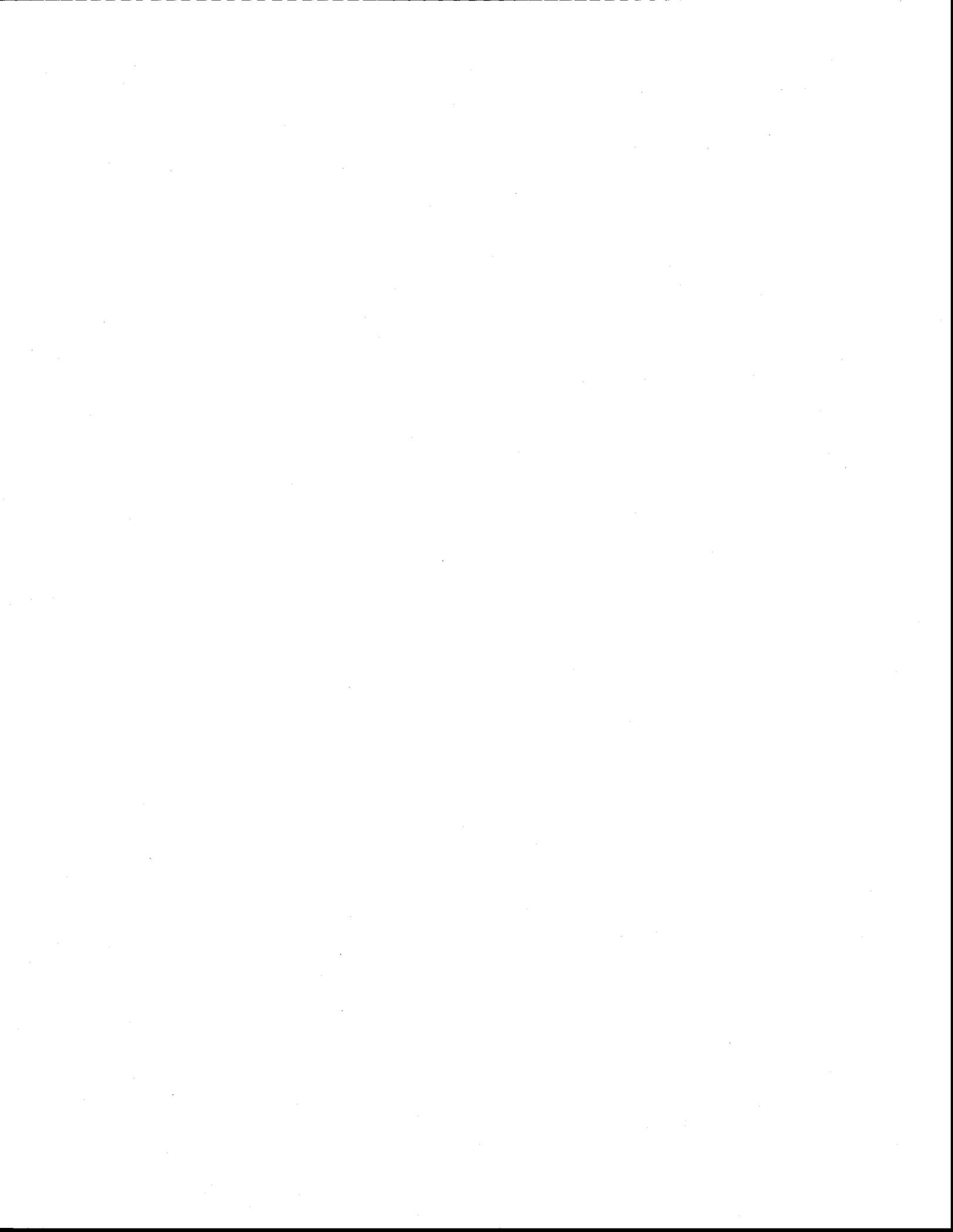


APPENDIX E

**Assessment of Petition
by
Wesley Chapel
for
Incorporation**

**Relative to NC G.S. 120-167.
through NC G.S. 120-170.**

**North Carolina Department of Commerce
Division of Community Assistance**



Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Village of Wesley Chapel relative to NC G.S. 120-167. through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167. Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100. The petition indicates an estimated population of 1073, which is well in excess of the minimum requirement. A land use survey was prepared by the Division of Community Assistance. The survey identified 426 land parcels that were developed for residential use. There are at least 386 dwellings (as indicated in the petition) in the subject area. The US Census Bureau estimates indicate an average of 2.82 persons per household (in 1994) for Union County. This suggests that 1088 persons are likely to reside in those 386 dwellings. A population of 1073 (as indicated in the petition) is certainly a reasonable estimate for the area in question. It appears that NC G.S. 120-167. is satisfied.

NC G.S. 120-168. Additional criteria; development.

NC G.S. 120-168. refers to development and requires that at least 40 percent of the area must be developed. The petition indicated that 60.5 percent of the area was developed. However the methodology used for deriving that 60.5 percent figure was based solely on assessment value. The problem with that method is that it assumed a large lot was developed solely because its value was high. For instance a large forested or agricultural parcel may be assessed the same value as a one acre lot developed with a single family dwelling. Both would have been assumed as developed.

DCA used a land use survey combined with an analysis of assessment value relative to lot size to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. Vacant parcels, forested parcels, or parcels where agricultural use was predominant were considered "undeveloped". DCA's analysis indicated that 47 percent of the subject area is developed (please refer to Map A, Appendix A). It appears that NC G.S. 120-168. is satisfied.

NC G.S. 120-169. Additional criteria; area unincorporated.

NC G.S. 120-169. requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Village of Wesley Chapel with the most recently updated NC DOT geographic information system (GIS) data that was provided by NC CGIA and

found no evidence that any of the subject area is part of any incorporated municipality. Likewise, current municipal boundary maps for Monroe (revised February/1998) and Weddington (revised April/1990 and sent to DCA on March 20, 1998) indicated no such overlapping territory.

Please note that on January 13, 1998 the Town of Indian Trail passed an annexation ordinance that includes an area that is also included in the proposed Village of Wesley Chapel (please refer to Map B, Appendix B). However, that annexation ordinance has an effective date of January 31, 1999. As such, the area is not currently part of Indian Trail and is therefore not an encumbrance relative to NC G.S. 120-169. It appears that NC G.S. 120-169. is satisfied.

NC G.S. 120-170. Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross assessment value of the proposed municipality as its tax base. DCA also conducted a telephone survey of municipalities that have a population size similar to that of the proposed Village of Wesley Chapel. Those surveyed were asked what basic services were available in their community and how they were provided. The results of this survey are compiled in Table 1, Appendix C. The table also includes the tax base of the communities and their 1996 populations. Wesley Chapel's tax base was calculated as the sum of the 1998 assessment values provided by the Union County Tax Assessors Office.

The proposed Village of Wesley Chapel's tax base was compared with those of ten municipalities with a similar population. This comparison revealed that the proposed municipality's gross assessment of \$60,770,200 was well above the average of \$35,343,633 for the comparison municipalities. Moreover, it was higher than all but one (please see Table 1, Appendix C). The petition indicated that the proposed municipality intends to initially limit services to those that are currently provided to the area and maintain the existing billing and tax arrangements between the County and the residents/property owners. Then it intends to undertake planning and zoning administration. It does not seem likely that this would result in an unreasonable tax rate for the subject area.

The following discussion relates to the provision of services usually provided by similar municipalities as indicated in Table 1. Even though the proposed village does not initially intend to provide such services, the discussion will highlight the costs that may be expected if they choose to do so in the future. Indian Trail (as mentioned above) included in their annexation ordinance a discussion on services that is used here to help estimate costs that may be incurred by the proposed Village of Wesley Chapel.

Police, Fire and Animal Control

Policing in Indian Trail is provided by contract with the Union County Sheriff's Department at a cost of \$76,620 (Fiscal Year (FY) 1997-98). Indian Trail's population is approximately 6,399 (July, 1996). This translates into an annual per capita policing cost of \$11.97 for Indian Trail. Using this as a per capita cost for the proposed Village of Wesley Chapel with an estimated population of 1073, the estimated annual policing cost is \$12,848.

Fire protection is currently provided by the Wesley Chapel Volunteer Fire Department. It is likely that this arrangement will be maintained. Accordingly, no additional costs are attributed to the provision of fire protection to the area. Animal control is provided by Union County and provision of this service is not expected to change.

Street Repair, Maintenance, and Lighting

All of the public streets in the proposed Village of Wesley Chapel are maintained by NC DOT. It is expected that this will not change if the incorporation was to proceed. Accordingly there would be no new costs incurred by the proposed village for street repair and maintenance.

If the Village chose to provide street lighting similar to that referred to in Indian Trail's annexation ordinance (at 500 foot intervals and at public street intersections at an annual per light cost of \$97.56) they would require approximately 50 lights, resulting in an annual cost of \$4,878.

Sanitation Services

Sanitation services are currently provided by individual contracts between residents and private firm(s). If the proposed Village of Wesley Chapel was to provide this service, based on Indian Trail's estimate of \$9.40 per month per household and the estimated 396 dwellings, the annual cost to the Village would be \$44,669.

Water and Sewer Services

Water and sewer services are currently provided by the Union County Utilities Department. This is also the arrangement in Indian Trail. It is not expected that this will change if the incorporation proceeds. Accordingly, no additional water and sewer expenses are expected to accrue to the Village.

Administrative and General Government Services

Towns of this size typically have an administrative staff and provide administrative services. They also incur general government expenses. The average per capita "General Government" expenditures (fiscal year ending June 30, 1996) for municipalities with a population between 1,000 and 2,499 was \$119 (NC Department of the Treasurer). Based on a population of 1,073, the proposed village can reasonably expect a General Government annual expense of \$127,687.

The sum of the estimated costs for the above services is \$190,074. Considering a gross tax base of \$60,770,200, a tax rate in the order of 30 cents per \$100 of assessment would be necessary. This is well below the state average of 39.7 cents per \$100 of assessment (for municipalities with a population between 1,000 and 2,499, NC Department of the Treasurer). Based on the tax base, the proposed servicing arrangements, and a comparison with similar municipalities it seems that the tax rate would not be unreasonable. It appears that NC G.S. 120-170. is satisfied.

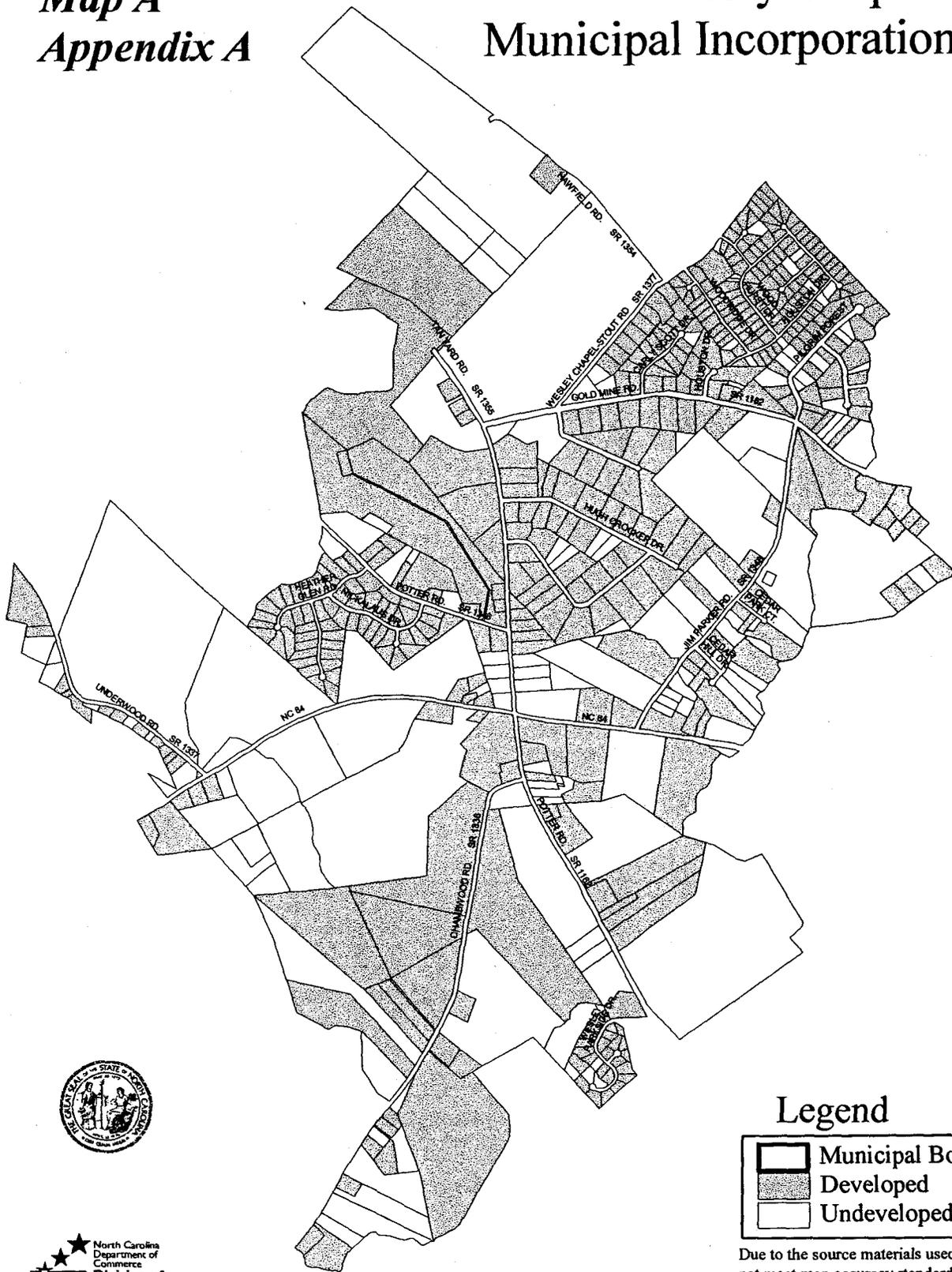
Considering the forgoing discussion it appears that the proposed Village of Wesley Chapel satisfies the North Carolina General Statutes 120-167. through 120-170. Accordingly, there appears to be no compelling reason to preclude the Commission on Municipal Incorporations from making a positive recommendation relative to NC G.S. 120-167. through 120-170.

Information sources:

1994 US Census estimates relative to persons per household at <http://www.lib.virginia>.
OSP 1996 Municipal populations at <http://www.ospl.state.nc.us/demog/muntot96.html>
NC Department of the State Treasurer. Memorandum # 843 and #844, February 14, 1997
Union County Tax Assessors Office, Tax Maps and 1998 Assessment Data.
Town of Indian Trail Annexation Ordinance dated January 13, 1998.

Map A
Appendix A

Wesley Chapel
Municipal Incorporation Study



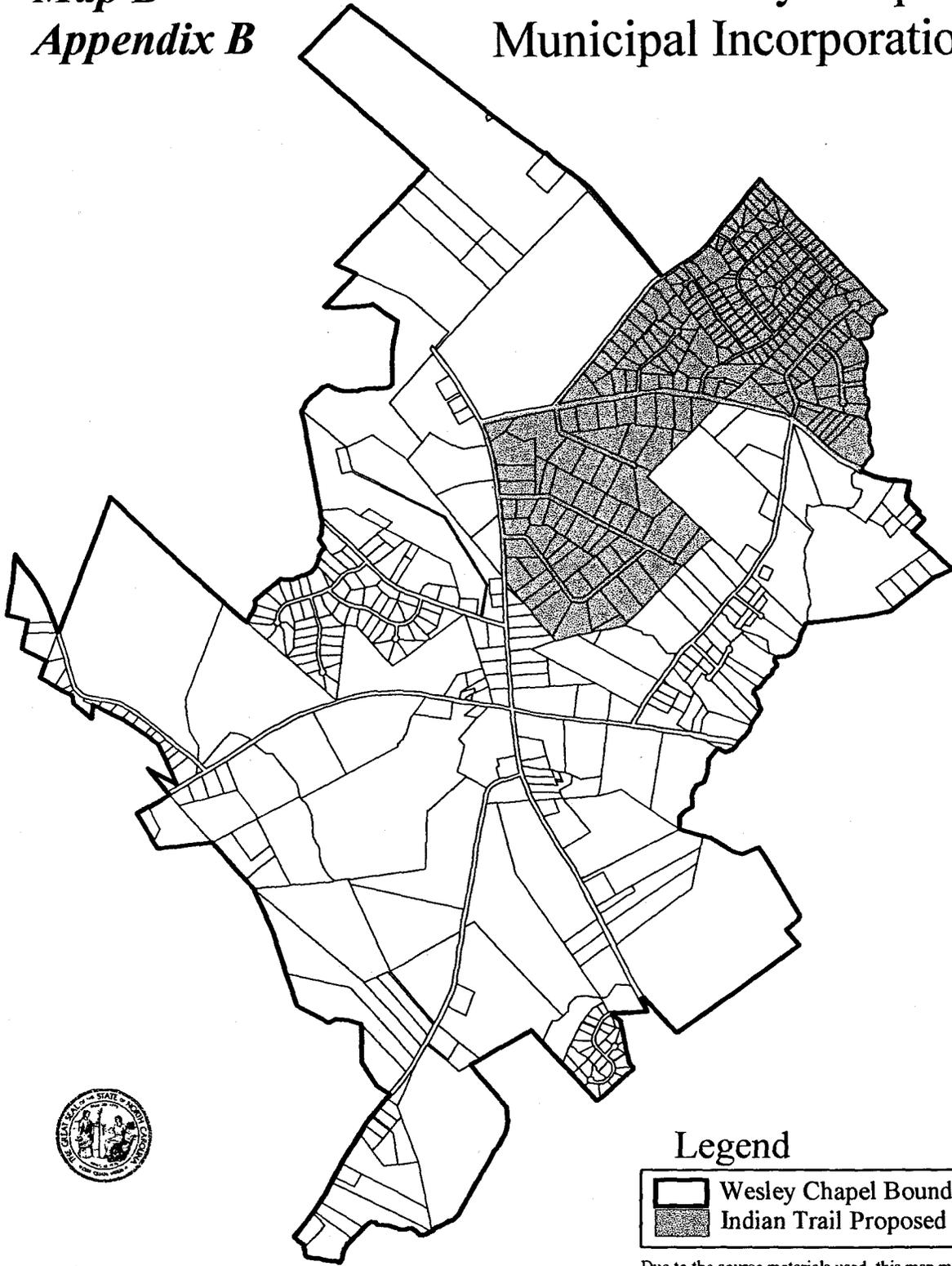
Legend

| | |
|--|--------------------|
| | Municipal Boundary |
| | Developed |
| | Undeveloped |

Due to the source materials used, this map may not meet map accuracy standards.

Map B
Appendix B

Wesley Chapel
Municipal Incorporation Study



Legend

| | |
|---|----------------------------------|
|  | Wesley Chapel Boundary |
|  | Indian Trail Proposed Annexation |

Due to the source materials used, this map may not meet map accuracy standards.

| Community | Services Provided | | | | | | | | | |
|----------------|-------------------|------------|---------------------|--------------------|--------------|----------|-----------|-------------|---------|-------------|
| | Water/Sewer | Fire | Police | Garbage Collection | | Street | | | Zoning | Subdivision |
| | | | | Residential | Commercial | Lighting | Sidewalks | Maintenance | | |
| VANCEBORO | Mun. | District | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. |
| OAKBORO | Mun. | District | Mun. | Mun. | Private | Mun. | Mun. | Mun. | Mun. | Mun. |
| NORLINA | Mun. | District | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. |
| BROADWAY | Mun. | District | Mun. | Mun. | Private | Mun. | Mun. | Mun. | Mun. | Mun. |
| BRYSON CITY | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | | Mun. |
| FAIR BLUFF | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | |
| ROBBINS | Mun. | Mun. | Mun. | Mun. | Private | Mun. | Mun. | Mun. | Mun. | Mun. |
| WEST JEFFERSON | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | |
| CLYDE | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. | Mun. |
| GARYSBURG | County | Mun. | Mun. | County | Private | Mun. | | Mun. | Mun. | Mun. |
| | 9 of 10 | 6 of 10 | 10 of 10 | 9 of 10 | 6 of 10 | 10 of 10 | 9 of 10 | 10 of 10 | 9 of 10 | 8 of 10 |
| | 90% | 60% | 100% | 90% | 60% | 100% | 90% | 100% | 90% | 80% |
| | Assessed | 1996 | | | | | | | | |
| Community | Value | Population | | | | | | | | |
| VANCEBORO | \$23,038,354 | 1,017 | | | | | | | | |
| OAKBORO | \$45,560,478 | 1,027 | | | | | | | | |
| NORLINA | \$19,440,142 | 1,049 | Average Assessment: | | \$35,343,633 | | | | | |
| BROADWAY | \$36,613,629 | 1,070 | | | | | | | | |
| BRYSON CITY | \$52,846,379 | 1,085 | | | | | | | | |
| FAIR BLUFF | \$17,036,297 | 1,088 | | | | | | | | |
| ROBBINS | \$45,364,164 | 1,091 | | | | | | | | |
| WEST JEFFERSON | \$67,630,625 | 1,102 | | | | | | | | |
| CLYDE | \$33,185,872 | 1,106 | | | | | | | | |
| GARYSBURG | \$12,720,385 | 1,107 | | | | | | | | |